Vox Populi:

Or, the SENSE of the

SOBER LAY-MEN

OF THE

Church of England,

Concerning the

HEADS

Proposed in his

MAJESTIES COMMISSION TO THE CONVOCATION.

LONDON,
Printed for *Randall Taylor* near *Stationers-hall*, 1690.

The Bookseller to the Reader

THese Papers were sent to me before the late Prorogation of the Parliament; but yet I have thought fit to publish them, hoping they may be useful to the Publick.

THE PREFACE.

WE pay too great a Deference to ſo venerable an Aſſembly as our Convocation, to come before them, tho with a Petition in our hands, without making ſome Apology for this ſeeming Rudeneſs, as tho we preſum'd to inſtruct our Teachers, and fancied our ſelves wiſer than our Spiritual Guides. We might plead by way of Excuſe, that a former Convocation not only allowed, but deſired more on our behalf than we do pretend to: For they addreſſed to King Henry the 8th, That an equal number of Lay-men might be joined to ſome of their own Body, with a full power to abrogate or confirm Canons and Eccleſiaſtical Laws, as to them ſhould ſeem moſt expedient: whereas we do neither preſume nor deſire to ſit among the Clergy as Counſellors, but only to be permitted to ſtand as Supplicants at their door. Burnet's *Hiſt. of the Reform.* Vol. 1. p. 147.

We might further alledg in our own behalf, that when we lately ventured with our Pens to defend the Doctrines of our Church againſt the Papiſts, in which Controverſy our Learned Clergy gain'd ſuch immortal Trophies of Honour, our Papers were not only kindly received, but protected too: Even Dr. Sherlock himſelf condeſcending to cover a Proteſtant Footman with his mighty Shield, who like a ſmall Squire had ventured to ſtrike a blow or two for the Giant. We are therefore apt to believe, that what we now propoſe for the further advantage of our Church, will be as favourably entertain'd. And we are the rather encouraged to ſuch a Perſuaſion, becauſe the Maſter of the Temple, notwithſtanding the Canon in this caſe (which ſhall be obſerv'd in its proper Place under that Head) hath lately revoked that Letter of Attourny which the Clergy ſeemed to pretend to, for the warranting them alone to act in our Names, while we ſate ſtill and held our Peace. For, ſaith he, Tho the Clergy have of late in a great meaſure monopoliz'd the Name of the Church to themſelves, yet in propriety of Speech they do not belong to the Definition

Dr. Sherlock's Disc. of the Nature, Unity and Communion of the Catholick Church, p. 32. 34.

finition of it; they are indeed the Governours of the Church, as they have receiv'd Authority from Christ the supreme Lord and Bishop of the Church, but they are no more the Church, than the King is his Kingdom, or the Shepherd his Flock; the Bishops and Pastors of the Church, consider'd as such, represent the Head and not the Body, &c.

Vox Cleri p. 11

But that which we shall insist on, and stand by as the main Reason *of our writing and publishing the following Papers, and which we conceive will fully silence those that are most likely to raise a Clamour against us, is to clear our selves from the injurious Misrepresentation that* Vox Cleri *gives of us, as tho we were as perverse Enemies to his Majesties excellent Design in his Commission to the Convocation as he himself is, and those whose Judgment he pretends to express: For one of the main Reasons he urges against all Alterations, is that which he cites out of Dr.* Burnet *in Judg* Hales's *Life. That as some might come in, so others that were in our Communion might take offence by the Alterations, and desert it; and seeing our frequent Changes in some things, might suppose there is nothing certain among us; and from the many Disputes about our Liturgy, proceed to question our Articles, and at last fall off to the Church of Rome, which they saw more constant to their Principles. And as we shall not repeat what hath been already replied, so we shall take the more effectual way of confuting him, by declaring the common Sense of the wisest and best among our selves that we have convers'd with about these matters. For tho we pay that Respect even to the violent* Bigots *of our Clergy, which the great Learning of many of them does deserve, yet we must beg their Pardon if we are unwilling all the blame of their unaccountable Stiffness and Rigour should lie at our door. We should think our selves very unhappy, if any unreasonable Sowrness or Humour of ours should be the great Obstacle to the Churches Reformation and Peace: If we should any way contribute to the keeping open those bleeding Wounds which our Spiritual Physicians are called together to heal and close. We that have been so well instructed by our Ministers, have learnt to distinguish between the Substance of our Religion, and the separable Appendages of it; and shall not suspect a change of our Food every time the mode of garnishing the Dish is altered; and have more of that Divine Charity they have preached to us than to stand at an irreconcileable Distance from Dissenting Protestants, and to run both out of the Church and our Wits too, if the* Convocation *should think fit to let them in on an honourable Accommodation of our Differences. We have therefore thought fit to descend to the particular Heads mentioned in his Majesties Commission, and under each of them to propose such Alterations as would not only not be offensive to us, but are highly desirable, because we suppose them equally conducive to the Beauty and Safety, the Strength and Glory of our Church.*

Of the Liturgy *and* Ceremonies.

TO begin with the Calendar; we ſhall not inſiſt on the Rule to find out *Eaſter*, which hath been ſometimes found not to be true, becauſe that does more concern the *Clergy* to look after, than any of us: But as to ſome of the Leſſons appointed in it, they being deſign'd for our Edification, we hope we may have liberty to ſpeak. What a *ſmutty* Story is that in the *6th*, *7th*, and *8th* Chapters of *Tobit*, appointed for the Leſſons on the laſt day of *September*, and the firſt of *Auguſt*, which is enough to make a Man laugh till he *burſt*, as certainly as the lumps of Pitch, Fat, and Hair, did the *Dragon* (Another precious Story, which not being appointed formerly by our Church, was by the *New Reformers* on the late Kings Reſtauration, ordered to be read to us on the 23*d* of *November*). The buſineſs in ſhort, is this, *Tobias* luckily catcht a certain Fiſh, that greedily ſnapt at him, *Tobit* c. 6. Roaſted it, and Eat it; but by the Direction of the Angel, very carefully lays up the Heart, the Liver, and the Gall. Now an Ointment made of this Gall, was a notable Remedy againſt *Whiteneſs* in the Eyes. If it were as good againſt *Dimneſs* of Sight too, we could wiſh for the ſake of the Author of *Vox Cleri*, we knew what ſort of Fiſh this was. But a far greater Vertue lay in *Tobit* c. 7. the Liver, and the heart as *Tobias* afterwards found, when he came to the Houſe of *Raguel*. For this *Raguel* had a *Bonny* Girl to his Daughter, called *Sarah*, on whom it ſeems a certain ſpiteful Devil had clapt a ſort of a *Venetian Pad-lock*; ſo that tho ſeven young Fellows had ſucceſſively Married her, yet none of them had been able to *Conſummate the Buſineſs*, but loſt their own Lives the very firſt Night they made any offers that way. *Tobias* was deeply ſmitten with her, and not diſcouraged for all this, in ſhort, makes up the Bargain and Marries her. And juſt before *Tobit* c. 8. he Beds her, takes the aforeſaid Heart and Liver of the Fiſh, and burns them upon the Coals, which made ſuch a perfume, that away ſcours the Devil into the utmoſt parts of *Egypt*; and ſo *Tobias* and *Sarah* very comfortably enjoy each other. The Author of *Vox Cleri* hath a peculiar Crotchet of his own, of read-

ing ſome Portions out of Εικὼν Βασιλικὴ in the Church, for the further enlightning our Underſtanding. And why not the *Arcadian Prayer* in the ſame Book for the furthering of our Devotions? To carry on the Humour, we humbly move, that we may be inſtructed out of another Royal Paper; That the ſame day, on which this Story out of *Tobit* is read to us, the other Leſſon to make them both of a piece, may be the late *Depoſitions about the pretended Prince of* Wales.

The *Gloria* * *Patri* is ſometimes ſaid, for Inſtance on the firſt day of the Month, five times at the end of the *Pſalms* read for the Morning-Service; again, at the end of the the Lords Prayer after the Abſolution; again, at the end of the *95th Pſal. O come let us Sing*, &c. again, at the end of the *Benedicite*; again, at the end of *Benedictus*; and again, in the Litany; that is ten times in the ordinary Morning-Service.

* The frequent Repetition of this, is one of thoſe things which A. B. *Uſher*, Bp. *Williams*, *Prideaux*, and *Brownrig*, Dr. *Ward*, *Featly*, and *Hacket* took notice of, and would have conſider'd, whether it were not fit to be amended. See the Copy of the Proceedings of theſe Divines touching Innovations, &c. and Conſiderations on the Common-Prayer Book, *p.* 7.

The *Lords Prayer* is ſaid once at the end of the Abſolution; again, after the Apoſtles Creed; again, in the Litany; and again, in the beginning of the Communion-Service; and again, in the ſecond part of the Communion-Service; and again, in the Pulpit before Sermon; ſo that 'tis repeated five times every *Sunday* Morning conſtantly, and ſix if there be a Communion.

Not to ſpeak of the *Kyrie Eleeſons*, nor of all the Congregations, even *Women* too, ſaying after the Miniſter with a loud Voice, nor of their alternate reading the Verſes of the Pſalms, for which later, we don't find any Rubrick; all which ſeem to make ſuch a confuſed Babling, that we can hardly reconcile it to the Apoſtles Diſcouſe in the firſt Epiſtle to *Corinth.* and 14*th Chapter*; and make a Man think he were in *Dover-Court*, rather than a *Chriſtian Aſſembly.*

Good Lord deliver us, is repeated eight times in the Litany; and *We beſeech thee to hear us good Lord*, no leſs than two and twenty times in the ſame.

We can't but on this Occaſion ſometimes reflect on that wiſe Doctor at *Oxford*, who when he met with a little good way, was wont after he had once travell'd over it, to turn about his Horſe, and ſay, *'Tis ſo good, let's go this over again.*

This

This hath a ſemblance of thoſe *vain Repetitions* forbidden by our Saviour; and when we reproach the Fanaticks for their Tautologies in Prayer, they immediately flap us in the mouth with this; and we profeſs ſincerely we are not able to reply upon them.

Moſt of the *Collects* have but *one* Petition in them. Were ſeveral of our ſhort Prayers well digeſted into one, we humbly conceive it would be like the uniting of the little Sparkles of Heaven into a conſtellation that renders them the more conſpicuous. And were the whole Service ſomewhat ſhortned, and ſo room left for Free-Prayer, and encouragement given to it, we queſtion not but our Learned Clergy would immediately exceed any of the Diſſenters in that way, and greatly edify us. For not to examine what hath been urged on both ſides, we will take the Learned Dr. *Stillingfleet*'s Opinion for true, 'That this 'was an Invention of the *Jeſuits*: yet we know they are cunning Fellows; 'tis a very popular thing; it takes wonderfully; *& ſus eſt & ab hoſte doceri.*

We are of that Gentleman's mind, who ſaid, 'There may be 'too great a reſtraint put on Men whom God and Nature hath 'diſtinguiſhed from their Fellow-labourers, by bleſſing them 'with a happier Talent; and by giving them not only good 'Senſe, but a powerful Utterance too, hath enabled them to 'guſh out on the Attentive Auditory with a mighty ſtream of 'devout and unaffected Eloquence; when a Man qualified, endued with Learning too, and above that, adorn'd with a 'good Life, breaks out into a warm and well-deliver'd Prayer 'before his Sermon, it hath the appearance of a Divine Rapture, he raiſeth and leadeth the hearts of the Aſſembly in another manner than the moſt compoſed or beſt ſtudied form of 'ſet words can ever do; and the *Pray-mees* would look like 'ſo many Statues, or Men of Straw, in the Pulpit, compar'd with thoſe who ſpeak with ſuch a powerful Zeal, that 'men are tempted at the moment to believe Heaven it ſelf hath 'directed their words to them.

Character of a Trimmer, by Sir *W. C.* a Lay Gentleman of our Church, *p* 20.

Herein we confeſs we don't expect the concurrence of the Author of *Vox Cleri*, who hath an aking Tooth at Lectures and Sermons too, as well as, no doubt, a mighty ſpleen at this Free-prayer, and would have all the publick Miniſtrations to conſiſt in reading Liturgies and Homilies; And then if God Almighty

would but ſend a man a good pair of Eyes, or in caſe he don't do that, a *Foſcue, and a pair of Spectacles*, he might e'en keep the *Gifts of his Spirit* to himſelf, for any need that a Clergy-man may have of them.

We could wiſh for the ſake of the *Greek* Churches, that the ſevere Clauſes in the *Athanaſian Creed* were expunged; for tho we believe all the Articles of Faith contained in it, yet we think it no more becomes us to *damn* Folks in the Church, and at Divine Service, than in the Streets, and in common Diſcourſe.

We think it very odd, that *Te Deum*, *Benedicite*, the *Pſalms* in Proſe, and the Three Creeds, ſhould be appointed to be SUNG or ſaid. The *Leſſons* in the Old Common Prayer-Book were order'd to be *Sung in a plain Tune*. That is reform'd, and they are now appointed to be read *diſtinctly with an audible voice*. And is there not the ſame reaſon for the other two? Were this *canting* way laid aſide, we might then have the Pſalms in the *New* Tranſlation; for 'tis for the ſake of their being *pointed* to be SUNG or ſaid, that though in ſome places it be *corrupt*, and in others hath ſeveral Verſes that are not in the Original, but the *Septuagint* only, the *old* one is ſtill retained.

We have known ſome Men that have riſen from the Dunghil to a great fortune; who have *hung up* their *Leathern-Breeches* as a Monument of their former low Circumſtances; but not that they uſed to *ſanter* and *trudg* up and down in them as *Ornaments*, when they had a Pair of freſh *Silk* ones lying by them.

We could wiſh thoſe two Rubricks in the Communion Service were review'd; the firſt of which directs the Curate to *ſtand at the North-ſide* of the Table, when he ſaith the *Collect* and the *Lord's Prayer*; and the ſeccond immediately after directs him to *turn to the People, and rehearſe diſtinctly* all the Ten Commandments. We humbly conceive, did the Curate look the ſame way when he reads the *Collect* and *Lord's Prayer*, as he doth when he reads the *Commandments*; or rather, were both of them read in the Desk where the other Prayers are, eſpecially in great Churches, we might then be able to *hear* him, which now many times we can't, and conſequently are no more edified than by the *Muſic of the Spheres*. When the *Leſſons* are read, the Curate is order'd *ſo to ſtand and turn himſelf, as he may be beſt heard of all ſuch as are preſent.* The reaſon is the ſame in both Caſes. This we find reckon'd by thoſe great Lights of our Church, formerly mention'd, among the

See the *Rubric* about reading the Leſſons.

the Innovations, the reading *some part of the Morning Prayer at the H. Table when there is no Communion.* Nor can we be satisfied with what is usually said in defence of this Practice, That 'tis *to put the people in mind that they should celebrate the Communion every Sunday.* In the Name of God, what need is there of such *dumb signs* to instruct us in our Duty, which are so contrary to Edification, when we have so many Excellent and Learned Men, who can and ought to do it to much better purpose in their frequent, Eloquent and Pious Sermons out of the Pulpit? Must such *Motions*, as well as *Pictures*, be *Lay-mens Books?* Id. ut supr. P. 5.

For our Childrens sake, we could wish that the Order of *Confirmation* were not made a matter of meer Form and Ceremony; that it were carefully look'd to, not only that they be able to *say* the *Creed*, *Lord's Prayer*, and *Ten Commandments*, and to *answer* the Questions in the *Catechism*, but that they *understand* them too; to this end, that the *Rubric*, which so rarely well enjoins the Curate diligently to catechise the younger sort, and then either to bring them, or at least *send in Writing, with his hand subscribed thereunto, the Names of all such persons in his Parish as he shall think fit to be presented to the Bishop to be Confirmed*, may be reinforced and observed, that so those that are notoriously scandalous, or grosly ignorant *what their Godfathers and Godmothers promised for them in Baptism, and which now with their own Mouth and Consent they are openly before the Church to ratifie and confirm*, may not be admitted to it.

'Tis certainly no fault in our Constitution, but there is a great one in those who do not act according to it, that admit many who have as little understanding of the Baptismal Covenant when Hands are laid, as when Water was poured upon them. And we could wish some of our Spiritual Fathers would shew us by what warrant these words are used in the Collect for that Service. —— *On whom, after the example of thy holy Apostles, we have now laid our hands,* **to certifie them by this sign of thy favour, and Gracious Goodness towards them.** And that they may be diligently compared with our Churches Definition of a *Sacrament.*

We could wish those passages in the Burial of the Dead were review'd, *viz. Forasmuch as it hath pleased Almighty God, to take to himself the Soul of our dear Brother here Departed*, &c. We give thee hearty thanks for *that it hath pleased thee to deliver this our*

Brother

Brother out of the miſeries of this ſinful World. — *That we may reſt in him* (viz. Chriſt) *as our hope is this our Brother doth.* We do not enquire how the Clergy can read this over all Dead men that are not either Excommunicated, Unbaptized, or have not laid violent hands on themſelves. Tho we could wiſh men that are ſo charitable to the dead, would be ſo to the living too. But we too often accompany the Corps of a drunken, debaucht neighbour of ours; who lived all his days in the habitual practice of many deadly ſins, and gave no ſigns of Repentance that we could ever hear of; it may be the fatal arrow ſtruck through him while he was in the very act of ſome foul ſin. The Grave cannot ſtrike a colder damp on our bodies, than the thoughts of this doth on our Devotions; and we can no more ſay *Amen* on ſuch occaſions, than the dead man himſelf, on whoſe Funeral we attend. 'Tis true indeed, we are told that theſe words do ſuppoſe the *ſtrict exerciſe of Diſcipline.* But as long as we ſee no ſuch thing, 'tis an *Hypotheſis* that gives us no relief at all.

And ſeeing we are fallen on the *Diſcipline* of the Church, we do moſt humbly and earneſtly beſeech our Spiritual Fathers and Guides, that they would at laſt try their utmoſt for the ſetting of it up, that we may not be told from year to year, as we are in our *Aſhwedneſday* Service, that there W A S anciently in the Church a *godly Diſcipline* of putting notorious Sinners to open Penance, which we only *wiſh* were reſtored, but confeſs it is not. And we think that which our Church hath ſet up in the room of it, deſerves a little Conſideration; *viz.* the reading the general Sentences of God's Curſing againſt impenitent Sinners, out of *Deut.* 27. and other places of Scripture, to which we are all required to anſwer and ſay *Amen.*

Now ſuppoſe any man hath a near relation that is unmerciful, a Fornicator, an Adulterer, a Covetous perſon, an Idolater, Slanderer, Drunkard, for the Curſe is pronounced againſt all theſe: Or ſuppoſe our *King* ſhould be guilty of any of theſe crimes, as ſome of them were within the memory of man, we ſhould be loth to ſay *Amen*, or *So be it*, to ſuch a Curſe. We have often heard the men of the *Scotch Kirk* reproach'd ſeverely for the Excommunicating of Kings. A *David* may take another man's Ewe-Lamb; and it would be well if a *Nathan* would bring him to a ſenſe of that horrible ſin by a parable, and by a parti-

particular application of a *Thou art the man.* But for every one of us of the Laity to pronounce an *Amen* to a ſolemn Curſe denounced againſt all ſuch Offenders, and them among the reſt, tho in the ſelf-ſame Service we ſtile them *our moſt Religious and Gracious ones*, and that in the Church too, don't look like that Reverence we have been taught to bear towards *Crowned Heads*. True indeed, the *Iſraelites* once did pronounce ſeveral of theſe Curſes on Mount *Ebal*, with an *Amen.*; but this was by virtue of an expreſs Command from God; and this might be ſuitable enough to a *Legal Spirit*, to the rough and ſowre diſpenſation of the Law, but not to the calm, kind, and peaceable *Inſtitution of the Goſpel*, which is ſoft and gentle, as the wings of that Dove that lighted on the head of him who was the Author of it.

Having conſider'd the Liturgy, we proceed to take notice of thoſe *Rites and Ceremonies* of our Worſhip, which His Majeſty hath *join'd with it*, *and concerning which*, *he ſays*, *That being things in their own nature indifferent*, *and alterable*, *and ſo acknowledged*, *it is but reaſonable*, *that upon weighty and important Conſiderations*, &c.

Now it being confeſs'd on all hands, that they are things alterable and indifferent in their own nature, we are all of us of the mind, that many unanſwerable Reaſons may be urg'd for their utter removal, and their being totally laid aſide; ſuch as are the dangers and hazards to which they have already expos'd our Church, the fatal Diviſions, the unnatural and implacable animoſities they have occaſioned, and continue to foment; the obligations that we lie under from the Commands and Examples of Chriſt and his Apoſtles, to yield in things of ſo ſmall moment to the invincible ſcruples, and the earneſt importunities of our weaker Brethren, as well as many others that have been alledged and inforced by many Learned Pens. We cannot tell how to excuſe the conduct of thoſe perſons, who, notwithſtanding all the reſpect they owe to a Gracious Prince, their Duties to God and their ſcrupulous fellow-Chriſtians, will evidently lay open both the Church and State to an unavoidable Ruin, rather than depart from the Impoſition and Uſe of ſuch Rites, no more than we could have juſtified St. *John* the Baptiſt, if he had fallen a Sacrifice to the fury of *Herod*, meerly becauſe he would not adminiſter Baptiſm without his *Raiment of Camels hair* and his *leathern Girdle*. We cannot blame the Piety and Wiſdom of our firſt Reformers, who introduced and continued theſe, to avoid throwing

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the Nation, that was then over-run with Superſtition, into great and deadly Convulſions: but ſince theſe reaſons are now ceas'd, and very diſmal inconveniences do attend their preſent uſe, we do think it better to throw them by, than retain them.

It was neceſſary, that when our Church firſt roſe out of the Superſtition, Darkneſs and Idolatry, in which ſhe had been ſo long buried, ſhe ſhould like *Lazarus* have ſome of the *Grave-cloaths* about her; but if out of ſome odd Humour ſhe ſhould reſolve ſtill to wear them, ſhe would appear not only unlovely, but ridiculous. But leſt we ſhould ſeem to puſh this matter too far, we ſhall only ſay, That it is highly requiſite that the uſe of them ſhould be left indifferent; that a ſtrict Uniformity in theſe Rites is no longer neceſſary, provided there be an Agreement in all the Eſſentials of her Doctrine and Worſhip; and there are many Grounds that move us to inſiſt on this; *viz.* that they are but trivial things, and of no moment; that they neither add any real Decency and Beauty to our Worſhip, nor render it more acceptable and pleaſing to God; beſides, there are many Perſons in our Communion, who are weary of them; and many others who frequent our Churches, that do either deſpiſe or ſmile at our rigorous inſiſting upon them; for as the Letter concerning the Convocation well ſays, The number of thoſe who are addicted to them, is not very great; and the greateſt part of the Nation, are ſuch as are not over-zealous, and fond of them, but might by the Method we offer, be more firmly fixed to us. There is a Body of Men who are ſtill among us, and attend in our Churches, and at our Sacraments, who do think our preſent Conteſts about theſe matters, to be much like that, which we about *London* ſaw managed between the Ladies and the *Mobile* about *Top-knots*; the Rabble deſign'd to force them to lay them aſide by Ballads, Pictures, and inſolent Jeers; but that Sex which uſes to conquer by their Charms, got the Victory now by Obſtinacy and Reſolution, and the poor *Top-knots* have outlived their fury. While we ſaw no prejudices ariſe to the Nation, this afforded us a pleaſant diverſion; but had the diſpute run ſo high as to endanger an univerſal Mutiny and Inſurrection, we ſhould have commended *that Sex*, if they had prudently thrown them off, and quitted the Field.

P. 20. 22.

We do therefore judge, That ſuch things as theſe ſhould no longer be impoſed as terms of our Communion, and ſuch as will

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not submit to them may be esteemed as genuine Sons of our Church, as those that do; that this is a Season wherein these latter should be allowed as free an access to our Altars and Fonts as the other; and that it is a condescention which we owe not only to our Blessed Saviour, and those weak Disciples which he hath so tender a concern for, but to the Safety and Honour of our Church, as well as her present Constitution.

Of the Canons.

SInce the consideration of the greatest part of 'em will fall under the following Heads in His Majesty's Commission, we shall confine these Remarks to a few of 'em that cannot be so conveniently rang'd under those Particulars.

The first Canon enjoins the maintaining the *King's Supremacy* over the Church of *England* in Causes Ecclesiastical, Can. 1.

And as that Canon declares all Foreign Power (*forasmuch as the same has no establishment by the Law of God*) to be justly taken away and abolish'd; so that Doctrine should in all reason be disown'd and censur'd, which so many Divines of our Church have endeavoured to defend and propagate in their publick Writings, *viz.* "That the *Church Universal* ought to be governed by the "Decrees of General Councils; and during the interval of such "Councils, the only way of Concord is to obey the Governing "Part of the Universal Church, *viz.* All the Bishops in one Re"gent College, governing the whole Christian World, *per li"teras formatas.* Especially when, on pretence of the easier Execution of these Universal Laws, some of 'em have been so liberal to his *Holiness*, as to assign that Province to him of Patriarch of the West, and the Centre of Unity to this part of the Catholick Church. And how much all the fierceness of Archbishops *Laud* and *Bramhall*, Dr. *Heylin*, Bishops *Morley*, *Gunning*, and *Sparrow*, Dr. *Saywell*, Mr. *Dodwell*, *&c.* against all Dissenters at home, and their strange chilness to the Reformed Churches abroad, is owing to a miserable fondness for this Notion, as the hopeful ground of a Reconciliation between the Church of *England* and the *French* Church that has cast off the Papal Infallibility, it were no difficult Task to shew, and were worthy the Observation of any Historian that would give a true Account of the continuance and increase of our deplorable Divisions. And as we dislike this

Notion the more when we consider the purposes and designs for which 'tis calculated, so we have this Argument to urge why it should be disown'd, *viz.* Because it plainly sets up a Foreign Jurisdiction, against which the Nation is solemnly sworn.

The second Canon excommunicates *ipso facto* all Impugners of the King's Supremacy.

Against which we think there is nothing can be objected, but the fault common to it with the 10 following Canons, *viz.* Excommunicating *ipso facto.* —— Of which more under those following Canons.

Can. 3. *Whosoever shall hereafter affirm, That the Church of* England *by Law established under the King's Majesty, is not a true and Apostolical Church, teaching and maintaining the Doctrine of the Apostles; Let him be excommunicated* ipso facto, *and not restored but only by the Archbishop, after his Repentance, and publick Revocation of such his wicked Error.*

Can. 4. *Whosoever shall hereafter affirm, That the Form of God's Worship in the Church of* England *established by Law, and contained in the Book of* Common-Prayer and Administration of Sacraments, *is a corrupt, superstitious, or unlawful Worship of God, or contains any thing in it repugnant to the Scriptures; Let him be excommunicated* ipso facto.

Can. 5. *Whosoever shall hereafter affirm, That any of the* 39 Articles *agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at* London *1562,* &c. *are in any part superstitious or erroneous, or such as he may not with a good Conscience subscribe unto; Let him be excommunicate* ipso facto.

Can. 6. *Whosoever shall hereafter affirm, That the Rites and Ceremonies of the Church of* England *by Law establish'd, are Wicked, Antichristian, or Superstitious; or such as being commanded by lawful Authority, men who are zealously and godly affected, may not with any good Conscience approve 'em, use 'em, or, as occasion requires, subscribe to 'em; Let him be excommunicate* ipso facto.

Can. 7. *Whosoever shall hereafter affirm, That the Government of the Church of* England *under His Majesty by Archbishops, Bishops, Deans, Archdeacons, and the rest that bear Office in the same, is Antichristian, or repugnant to the Word of God; Let him be excommunicate,* &c.

Can. 8. *Whosoever shall hereafter affirm or teach, That the form and manner of making and consecrating Bishops, Priests, and Deacons, contains any thing in it repugnant to the Word of God; or that they who are made Bishops,* &c. *Let him be excommunicate* ipso facto.

Can. 9. *Whosoever shall hereafter separate themselves from the Communion of Saints, as 'tis approved by the Apostles Rules in the Church of* England, *and combine themselves together in a new Brotherhood, &c. Let him be excommunicate* ipso facto.

Can. 10. *Whosoever shall hereafter affirm, That such Ministers as refuse to subscribe to the form and manner of God's Worship in the Church of* England, *prescribed in the Communion-book, may truly take to 'em the Name of another Church not established by Law, and dare presume to publish it, That this their pretended Church has of long time groan'd under the burden of certain grievances imposed upon it, and upon the Members thereof before mentioned, by the Church of* England, *and the Orders and Constitutions therein by Law established; Let him be excommunicate* ipso facto.

Can. 11. *Whosoever shall hereafter affirm or maintain, That there are within this Realm other Meetings, Assemblies, or Congregations, of the King's born Subjects, than such as by the Laws of this Land are held and allowed, which may rightly challenge to themselves the Name of true and lawful Churches; Let him be excommunicate, &c.*

Can. 12. *Whosoever shall hereafter affirm, That 'tis lawful for any sort of Ministers or Lay-persons, or either of them, to join together, and make Rules, Orders, or Constitutions in Causes Ecclesiastical, without the King's Authority, and shall submit themselves to be ruled and governed by them; Let him be excommunicate* ipso facto.

To these may be added,

Can. 139. *Whosoever shall hereafter affirm, That the Sacred Synod of this Nation, in the Name of Christ, and by the King's Authority assembled, is not the true Church of* England *by representation,; Let him be excommunicate, &c.*

Can. 140. *Whosoever shall hereafter affirm, That no manner of person either of the Clergy or Laity, not being themselves particularly assembled in the said Sacred Synod, are to be subject to the Decrees thereof, in Causes Ecclesiastical (made and ratified by the King's Majesty's Supreme Authority) as not having given their voices to them; Let him be excommunicate, &c.*

Can. 141. *Whosoever shall hereafter affirm, That the Sacred Synod assembled as aforesaid, was a Company of such persons as did conspire together against godly and religious Professors of the Gospel; and that therefore both They, and their Proceedings in making of Canons and Constitutions in Causes Ecclesiastical, by the King's Authority as aforesaid, ought to be despised and contemned, the same being ratified by the same Regal Power; Let him be excommunicate, &c.*

We have often heard our Clergy mention among many other Excellencies of our Church, her admirable Charity towards those that differ from her; and we have hitherto taken it for one of her just Characters. For tho those that dissent from us, would frequently object the Severity of the Penal Laws, and the rigor with which they have sometimes been Executed, as if such heavy Fines, and long Imprisonments, look'd but like a cold and frozen sort of Charity, yet we thought it a sufficient Answer, That *our Church* did not Countenance any of these Severities by her Doctrine. And therefore, how active soever some of our fiery Zealots (who were the Tools of another Party) might be in urging the Execution of them, this was their personal Fault, and not justly imputable to the Church her self. Tho, by the way, we cannot think it so ingenuous in some of our Clergy, to throw all the blame of those severe Laws on the Parliament that Enacted them, which many of themselves were but too earnest and importunate Sollicitors of. But we are extreamly surprized to read the foregoing Canons, and when we hear them objected as an Evidence of the Uncharitableness of our Doctrine it self; We are at a great loss, what to say in defence of it; for we plainly perceive by them, that the Practice of our most violent Bigots in the Execution of the Penal Laws, has been as much more Charitable than these Canons of our Church; as 'tis more merciful to send the Bodies of Men into the Custody of the Jailor, than to consign their Souls into the Paws of the Devil. Nay, 'tis well that Writs *de Excom. Cap.* have not been issued out against all whom these Canons Excommunicate. For if they had, the whole Race of Dissenters had long since been both the Jaylors and the Devils Prisoners; and we are very much afraid, a great part of our own Clergy and Laity must have born them Company. So that we can foresee no better Apology for the Convocation that fram'd these Canons, than this, That they seem only to have designed them for the *old rusty Armor* of our Church, to be hung up for Terror, rather than to be used for Execution. For it cannot be denied, that how little Charity soever those had that made them; our Bishops have generally since had more Christian Tenderness, than to Prosecute all in their Courts, whom these Canons make so hainous Criminals. And therefore, were we of the Laity worthy to offer our humble Advice to the present Convocation, we should recommend it to them,

as a piece of neceſſary Prudence, as well as Charity, to Caſhier theſe ill-natur'd Canons: For they do but frighten the ſilly Diſſenters the more from our Communion, and are a ſtanding Reproach to our Church her ſelf on theſe two Accounts.

1. Were the Aſſertions here cenſured, never ſo dangerous Hereſies, an *ipſo facto* Excommunication is an unreaſonable thing 'Tis no better than paſſing Sentence on an Offender, before any Attempts are uſed to reclaim him, which is a groſs Abſurdity in Eccleſiaſtical Cauſes, where 'tis not the bare Offence ſubjects Men to that Cenſure of the Church, but Obſtinacy in it. For theſe Canons, quite contrary to our Saviour and his Apoſtles Rule, make a Heathen, and a Publican of our Brother, before he is ever told of his fault; they reject him before he be admoniſh'd. Whereas Divine Juſtice it ſelf does not ſubject Men to the Sentence of Condemnation, meerly for their Sins themſelves, but for their Impenitency in them. And ſure the Church ſhould not uſe greater Severity; and therefore ſhould not in thoſe Cenſures (which *Tertullian* calls *Summum futuri judicii præjudicium*) exclude Men from her Communion, *ipſo facto*, upon their having run into Errors or Crimes. but upon their perſiſting incorrigibly in them. And what *Lindwood* obſerves concerning ſuch Canons as theſe, does not wholly excuſe them; namely, *That a declaratory Sentence of the Judg is neceſſary, notwithſtanding the* ipſo-facto-*Excommunication, to a Mans being avoided, as an Excommunicate Perſon by others.* For all that this can amount to, is no more than to ſay, That tho a Mans *Mittimus* to the Devil is drawn up by theſe Canons, yet his Neighbours are not to take notice of it, till it be publiſh'd; but for all that, the Man is truly Excommunicated, and that without any other precedent Admonition, than what the Canons themſelves give him, which few of us ever read or ſee; No perſonal Admonition being uſed to prevent his Excommunication, but only to reſtore him by Abſolution. And if theſe Canons be juſt, all whom they Excommunicate, are bound in Conſcience to forbear the Churches Communion; and therefore we cannot in conſiſtency with our ſelves, invite the Diſſenters into it, unleſs we could either change their Minds, or at leaſt put Gags into their Mouths. But were this all the Fault of theſe Canons, the matter were more tolerable. But

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2. The Assertions themselves mention'd in the Canons can by no means deserve so heavy a Censure.

For as Excommunication is the highest Censure of the Church (which according to the Form us'd in our own, excludes the Person excommunicated from all Christian Society, and cuts him off as a dead Member from the Body of Christ) so it should never be us'd against any but those who are guilty of such pernicious Errors, or haineous Crimes, as give all imaginable ground to believe them in a state of damnation. Such as those mentioned 1 *Cor.* 6, 9, 10. *Gal.* 5 19, 20. 2 *Tim.* 3. 2, 3, *&c.* For otherwise we might shut those out of our Communion, whom our blessed Saviour receives into his; and dangerously cut off the living instead of the dead Members of his Mystical Body. Besides, Nothing will sooner bring that sacred part of the Church's Discipline into contempt, than the using it on slight and frivolous Occasions; as we shall further shew afterwards, when we come to speak of Ecclesiastical Courts. 'Twas a grave and wise Caution of the Council of *Trent*, though they had not the grace to follow it themselves, That though the Sword of Excommunication be the very sinews of Ecclesiastical Discipline, and very wholsom to keep the People in obedience, yet it should be warily us'd, lest if it be drawn out rashly on every slight cause, the People should rather despise than dread it. For if Clergy-men will so far trifle with those solemn Censures, as to thunder out Excommunications against all that keep *Easter* the *wrong day*, or maintain *Antipodes*, or wear *Beards of a wrong cut*, &c. as some Wise and Learned Popes have formerly done; 'Tis no wonder if Men come to look upon them as Ecclesiastical Scarecrows; and provided they can scape the Jaylor, set the Bishop at defiance. And though the Assertions censur'd in these Canons be not altogether such Trifles, yet they are some of them things too dubious to Men of mean Capacities, that have a fatal biass of an unhappy Education clapt on their Understandings; and of too small consequence to bear the weight of so heavy a doom. For what tho the Dissenters should arraign the Office of Burial read over the Graves of all the notorious Villains that have the good fortune to escape, or buy off an Excommunication; or censure the use of our God-fathers as exclusive of the Parents publick undertaking for the religious Education of his own Child? What though they foolishly mistake the Sign of the Cross for a New Sacrament; what tho they dispute against that Passage in

Sess. 25. Decr. de Reform. cap. 3.

the

the Book of Ordination, that asserts the divine right of three distinct Offices, *Bishops, Priests and Deacons?* What tho they be more peevish and untoward, and censure the very Office of our Bishops, as they are by the late Alterations in the Book of Ordination, made the sole Pastors of all the Churches in their several Dioceses. Nay, what though they affirm their own Congregations to be *true and lawful Churches:* shall we on the score of their declaring their mistaken Opinion in any one of these disputable matters, treat them as if they had denied all the Articles of the Apostle's *Creed*, or broken all the *Ten Commandments?* Nor are the Dissenters the only Persons concern'd in these Canons. There are few of our *Latitudinarian* Clergy (as some are pleas'd to call all that have not as narrow Souls as their own) but will freely in their Discourses censure some things in the Government of our Church, particularly the Lay-chancellors Power of decreeing Excommunications. And all these must expect no quarter from the 7th Canon. So that these Canons will quickly retrench the *corpulency* of our Church, and reduce it to the small number of *Bigots*, who it seems are not so ridiculous as they seem'd to be, in monopolizing the Character of her *True Sons* to themselves. And yet even of the Bigots there are so many that frequently arraign some of our Articles in the Pulpit it self (particularly the 17th, about the Doctrine of Election) that we see not how they will escape the 5th Canon. And if we were not afraid of being sent to the Devil for company, by virtue of the 139. *Can.* we would make bold to question the *Convocations being the Church of* England *by Representation*. 'Tis strange how they shou'd Represent us of the Laity, who never Chose or Deputed 'em. 'Tis much stranger how they shou'd Represent the K. and Parliament; (who I hope are a very Excellent part of our Church) for if they do, we see not what occasion there can be to interpose their Authority anew to give force to their Canons. They can at the most, only Represent the Clergy of our Church, and are indeed no more than the King's and Parliament's Ecclesiastical Council, to advise 'em what Laws relating to the Church, they shall enact by their Authority *circa Sacra*. For all their Canons would never bind our Consciences as the Laws of the Church, if the Civil Authority made 'em not the Laws of the Land. To sum up this Head; Why should we think our Convocation so infallible, and the Constitutions of our Church so absolutely

See the Pref.

perfect,

perfect, that a man cannot find the leaſt fault with any one of them under a leſs penalty, than being cut off as a dead member from the Body of Chriſt? This is as inexcuſable a rigor, as if our Parliament ſhould make it no leſs than Baniſhment for any Subject to diſpute the Equity of the leaſt Clauſe in the whole Book of Statutes: So that if the Convocation think fit to keep up theſe Canons ſtill, it were very great Charity to clap Padlocks on the Tongues of the People, to prevent their running into the Devils Clutches, by prating too freely againſt the Orders of our Church. And perhaps it was the ſagacious foreſight of ſuch Complaints as theſe, made that wiſe Convocation by way of prevention, excommunicate among the reſt, all that ſhould affirm 'em to be, *A Company of men that conſpired againſt godly and religious Profeſſors of the Goſpel*; or aſſert, That their Canons ſhould be *deſpiſed or rejected*: Only they were careful to twiſt in the Kings Authority with their own, that he who ſlighted the *Convocation*, might be thought to trample on the *Crown*.

Of Corruptions in the Eccleſiaſtical Courts.

AND here we do moſt humbly deſire that the Reverend Guides of our Church will patiently hear us; and eſpecially thoſe of that *Venerable and truly Apoſtolical Order*; and if any expreſſions ſhould drop from us that may ſeem inconſiſtent with that filial duty we owe to 'em, we deſire it may be imputed to our great zeal for 'em; and we ſhall as ſubmiſſively fall on our Knees to beg their *Pardon*, as we would do on any other occaſion to implore their *Bleſſing*. *Many of the old Corruptions* (ſaith one of *our Reverend Fathers* in God) *do yet remain among us in practice, and the adminiſtration of the Eccleſiaſtical Authority is liable to great Objections. I will not run out in farther particulars, for it will be eaſie to find them; and if you once ſet about it, you will ſoon ſee what work is before you.*

Dr. *Barnet's* Thankſg. Ser. before the H. of Commons, *Jan.* 31. p. 33.

We ſhall confine our Diſcourſe chiefly to the high and dreadful Sentence of *Excommunication*, for ſo it is in its ſelf, and was always ſo eſteemed by devout Souls, till the great and ſcandalous

lous Abuſes and Corruptions of it in theſe latter days hath made it contemptible to that degree, that ſinners do no more value it, than men do the threatning predictions of a common *Almanack-maker* concerning Thunder and Lightning. We have many things here to offer, under theſe following Heads.

1. The Perſons that manage it.
2. The Cauſes for which it is inflicted.
3. The manner of proceeding in our Eccleſiaſtical Courts.
4. The things that enſue on the ſentence of Excommunication.

1. The Perſons that manage it. And into whoſe hands would a man rationally expect the Keys ſhould be put, but theirs to whom Chriſt and his Apoſtles have given them, and where the Primitive Church left them? Who ſhould judg Spiritual Matters, but Spiritual Men? Who ſhould correct the children, but their Fathers; and diſcipline Souls, but they that have the Care of them, and watch over them, as thoſe that muſt give an account? They that ſo juſtly claim the Power of Ordination, why ſhould they not have that of Excommunication; and *deliver up to Satan*, as well as *give the Holy Ghoſt?* What is it that can reaſonably be ſuppoſed to hinder our Reverend Biſhops from minding ſo great and neceſſary a part of their Office? Is it their great diligence in *Preaching?* 'Tis true, this our Church doth ſtrictly tie them unto. The [a] Epiſtle, or that [b] which is appointed for it, and the Goſpel read at their Conſecration, puts them in mind of it: Nay they formally promiſe it: For theſe are Two of the Queſtions propounded to them by the Arch-Biſhop.—— [d] *Are you determined out of the Holy Scriptures, to inſtruct the people committed to your Charge?*—— *Will you then faithfully exerciſe your ſelf in the ſame Holy Scriptures, and call upon God by Prayer for the true underſtanding of the ſame, ſo as ye may be able by them to teach and exhort by wholeſome Doctrine, and to withſtand and convince the gainſayers?* To which the Biſhop anſwers, [e] *I am ſo determined by Gods grace:* and, *I will ſo do by the help of God.* And the practice of ſome of our Reverend Fathers, does

[a] 1 Tim. 3. *apt to teach.*

[b] Acts 20. 17. ——*have taught you publickly, and from houſe to houſe; take heed therefore to your ſelves, and to all the flock over which the H. Ghoſt hath made you overſeers, to feed the church of God*, &c.

[c] St. John 21. *Jeſus ſaith to Peter, loveſt thou me more than theſe?*——*Feed my lambs.*——*Feed my ſheep*, &c. *Matt.* 28. 18. *Go and teach all nations*, &c.

[d] See the form of the Conſecration of Biſhops.

[e] See to the ſame purpoſe, the Collect immediately following *Veni creator ſpiritus*; and the Charge of the Arch-Biſhop to the Biſhop, when he delivers him the Bible; and the firſt of the three Prayers ſaid for the laſt Collect immediately before the Benediction.

convincingly ſhew they are no *ſtrangers to Gods grace or help*, in this particular. But will diligence in one duty, excuſe the neglect of another? Doth not our Church pray Almighty God to *give to all Biſhops the Paſtors* of his Church, that they may *duly adminiſter godly Diſcipline*, as well as *diligently preach the Word?* and, That they may faithfully ſerve Almighty God in this Office, to the glory of his name, and *the edifying and well-governing* of his Church. And further, That they may be not only *evermore ready to ſpread abroad the Goſpel*, but alſo *uſe the Authority given them, not to deſtruction, but to ſalvation?*

See the firſt Collect in the Conſecration of Biſhops.

See the Collect in the Conſecrat. ſaid next after the Litany.

See the Collect after *Veni Creator.*

And doth not the Biſhop ſolemnly promiſe to *correct and puniſh according to ſuch Authority as he hath by Gods Word*, as well as to ſuch as ſhall be *committed to him by the Ordinance of this Realm?* And the Archbiſhop charges him, when he delivers him the Bible, not only to take *heed to Doctrine*, but how he *miniſters Diſcipline* too.

We can't think, after all this, that they do voluntarily neglect ſo eſſential a Branch of their Epiſcopal Office, as Governing the Church. Ruling and Diſcipline is their Duty *according to Gods Word*; and if any *Ordinance of this Realm* hinder them from the diſcharge of a Duty *Gods Word* hath laid on them, we think, if they ſhould patientiy bear it, they would give but a ſad Account in that day, when the *Great Biſhop* ſhall appear, when *Pulton's* or *Keeble's* Statutes are none of thoſe *Books that ſhall then be open'd.*

We are ſure, that this Work is a thing of the higheſt Truſt and Authority, and wherein the greateſt skill and tenderneſs is requiſite; and therefore we think it ſhould be *perſonally* diſcharged, and can't lawfully be deputed to another. For, as the Lord *Bacon* hath obſerved, *we ſee in all Laws in the world, Offices of Confidence and Skill cannot be put over, or exerciſed by Deputy, except it be eſpecially contained in the Original Grant; never did any Chancellor of* England, *or Judg in any Court, make a Deputy.* —— *Surely* ab initio non fuit ita; *but 'tis probable that Biſhops, when they gave themſelves too much to the Glory of the World, and became Grandees in Kingdoms, and Great Councellors to Princes, then did they delegate their proper Juriſdiction, as things of too infrior a Nature for their Greatneſs, and then after the Similitude and Imitation of Kings and Counts Palatine, they would have their Chancellors and Judges.*

Conſiderat. for the better Eſtabliſh. of the Ch. of *Engl.* p. 10.

His Life, p. 92. 'Tis, ſaith Biſhop *Bedel* in his *Defence*, one of the moſt eſſential parts of a Biſhop's Duty, to govern his Flock, and to inflict the Spiritual Cenſures on obſtinate Offenders. A

'Biſhop can no more delegate this Power to a Lay-man, than 'he can delegate a Power to Baptiſe or Ordain, ſince Ex-'communication and other Cenſures are a ſuſpending the 'Rights of Baptiſm and Orders; and therefore the judging of 'theſe things can belong only to him that had the Power to 'give them; and the delegating that Power is a thing null 'of it ſelf. It was ever looked on as a neceſſary part of the 'Biſhop's Duty, to Examine and Cenſure the Scandals of 'his Clergy and Laity, in Ancient and Modern Times. And much more may be found to the ſame purpoſe in his Life.

But if this Sacred Work muſt be put off to others, were it committed to the hands of any of our Clergy, though never ſo mean, we could bear it, out of that profound Reverence we have for their Gown and Character, as we d'off our Hats in a mean Countrey-Church, that looks little better than a Pigeon-houſe, as well as in a Cathedral, for the ſake of that GOD to whom the One is Conſecrated as well as the other. But we have hardly any patience left us, when we conſider, That the Clergy both Superiour and Inferiour, ſtand for Cyphers, and the whole Power of Excommunication is lodged in *Lay-mens* hands; for ſuch are their *Chancellors*, *Officials*, *Commiſſaries*, &c. 'Tis a greater piece of *Sacrilege* for theſe Thieves to ſteal and run away with the *Keys* of the Church, than for any to carry off the *Communion-Plate*; Godly Diſcipline being a much richer Treaſure than a Golden Chalice. We juſtly deride the Presbyterians, for their compound Aſſemblies, where the Miniſter and the *Lay-Elder* ſit Cheek by Joul, intermingled, like a Man and a Woman at a Dutch Feaſt: But that *Hotch-potch-Miſcellany* is more tolerable than this Conſtitution of Ours, whereby the whole Clergy being excluded, the *Lay-Chancellor* alone ſits to *remit ſins*, or *retain them*; Men that we are ſure have no Commiſſion from the Bleſſed Jeſus, or his Holy Apoſtles, and have no Power to deliver any Souls up to Satan, unleſs it be their *own*. 'Tis true indeed, They have a Patent for it, and that ſometimes given to gratifie a Friend, ſometimes perhaps purchaſed with a round Sum of Money, whereby the preſent Biſhops paſs away this their Power from Themſelves and their Succeſſors too, and ſo they are rendred uncapable of correcting their Extravagancies and Corruptions, even though they are committed in their Names, and by virtue of an Autho-

P. 93.

rity derived from them; whereupon our Reverend Fathers bear the blame, and these Varlets reap the advantage of their unjust Proceedings. Nay, to that degree of insolence do they proceed, as sometimes to hector them if they offer but to interpose to stop or to rectify any of their Illegal and Oppressive Acts. Of this we have an instance given us by the Author of the *Naked Truth*; I don't mean the blustring *Hickeringill*, but, as is commonly believed, a grave and excellent Prelate of our Church. P. 64. "I remember (saith he) when the Bishop of *Wells* hearing "of a Cause corruptly managed, and coming into the Court "to rectifie it, the Chancellor, Dr. *Duke*, fairly and mannerly bid him be gone, for he had no Power there to act "any thing; and therewithal pulls out his Patent, sealed by "the Bishop's Predecessor, which, like *Perseus*'s Shield with the "*Gorgon*'s Head, frighted the poor Bishop out of the Court.

Another remarkable Story of this nature we have in the Life of Bishop *Bedel*: He saw, and his Soul was grieved at, the bare-faced Extortions, and Briberies, and Commutations of Penance, and Vexatious Suits, &c. in the Chancellor, that had bought his Place from his Predecessor; and the prostitution of Excommunications in a sordid and base manner. To correct these abuses, he goes, and with a competent number of his Clergy sits and hears Causes, and gives Sentence. But his *Lay-Chancellor* brought a Suit against him in *Chancery* for invading his Office; and tho the other Bishops stood by him, saying, *They were but half Bishops, till they recover'd their Authority out of the hands of their Chancellors*; and though his Chancellor's Patent were a *formless Chaos of Authority conferr'd on him against all reason and equity, wherein was false Latin, nonsense, injustice, prejudice to the Chapter, contrariety to it self and the King's Grant to the Bishop, and the Seal hanging to it none of the Bishop his Predecessor's Seal*; yet the Chancellor's Right was confirm'd; and there was given him an Hundred Pound costs of the Bishop; and great endeavours were used to possess Archbishop *Usher* himself against him, which went so far as to procure an Inhibition and Citation against him out of his Court. All his Brethren forsook him, even the *Primate* himself, though the last that did so; yet at length Almighty God so remarkably prosper'd the zeal of this holy Man, that he was conniv'd at, and held on undisturb'd in personally attending his Episcopal Court; God give to our *English* Bishops the like Courage and Success.

Bishop *Bedel's* Life by Doctor *Burnet*, p. 88, 89.

P. 102.

P. 97.

Thus the *Rooks* give check to the *King*, and the Lay-chancel-

lor in the Court proves too hard for the Biſhop, as the *Devil* in the Sign of a *Tavern* doth for the Saint, *Dunſtan* we mean.

But as though this were not enough, matters are yet a great deal worſe. For not only doth an Appeal lie to the *Court of Delegates*, of which we ſhall ſay nothing, becauſe 'tis his Majeſty's; But there is alſo the Archbiſhop's *Court of* * *Arches*, where any Eccleſiaſtical Suits between any Perſons within the Province of *Canterbury*, except ſome peculiar † Juriſdictions belonging to the King's Majeſty, may, waving all Inferior Courts, be decided. The Official may take cognizance of all Eccleſiaſtical Cauſes whatſoever, not only at the inſtance of Parties, but alſo of his mere Office, or when they are promoted; as alſo all manner of Appeals (except as before excepted) from any Biſhops, Deans and Chapters, &c. Arch-deacons, their Officials and Commiſſaries, or other Eccleſiaſtical Judges whatſoever; as alſo all Commiſſaries of the Archbiſhop of *Canterbury*, whether particular or ſpecial, within all or any Dioceſe of his Province.

* *Chamberlain's* Preſent State of *England*, part 2. p. 33.
† *Conſets* Practice of Eccl Courts.

This Court is kept in the Archbiſhop's name by his Official, who is the Judge of it, called alſo Dean of the Arches, a perfect *Lay-man*, uſually a Knight, and Doctor of Laws. But he being for the moſt part abſent, ſubſtitutes a *Surrogate* in his place (who is the Archbiſhop's *Man's man*) *viz.* the Dean of the Deanry of the Arches.

And there doth this Judge *Perkin* ſit in ſtate, and according to the old *Mumpſimus* of the Pope's Canon-Law *alone*, without any Aſſeſſors, hears and determins all Cauſes, without any Jury of 12 men, as is neceſſary in Common Law-Courts; and preſumes to ſentence not only us Lay-men, but the Clergy-men alſo, and even Biſhops themſelves, for any Delinquency.

Chamberlain's Preſ. State of *England*, part 2. page 273.

And as the Official treats our Superiors in the Arches, ſo doth the Lay-chancellor handle us, and the Inferior Clergy in the Biſhop's Court, held in the Cathedral of his Dioceſe. Only when any do not appear, being legally cited, and propounded contumacious, and decreed excommunicate, then the Plaintiff's Proctor offers a Schedule of Excommunication to the Judge, who reads it *if he be in holy Orders* (for you muſt know a ſpecial care muſt be taken of that) and if not, then it is given to one who is in Holy Orders, who is conſtituted to this purpoſe by the Judge. *Good God!* ſaith the forementioned Author of Naked Truth, *what a horrid abuſe is this of the Divine Authority! This notorious Tranſgreſſion is excuſed, as they think, by this, that a Miniſter call'd the Biſhop's Surrogate, but is indeed the Chancellor's Servant, choſen, called and placed there by*

H. Conſet. Practice of the Spiritual Courts, p. 30. P. 94.

him

him to be his Cryer in the Court, (no better) when he hath examin'd, heard, and ſentenc'd the Cauſe, then the Miniſter, forſooth, pronounces the ſentence. Then the Judges Seal being clapt to them, away the Letters of Excommunication are poſted to the Rector, Vicar, or Curate of the Pariſh, with Orders to publiſh the ſame in time of Divine Service on ſome Sunday, or Holy-day; always provided theſe Letters of Excommunication be deliver'd to the Rector, *&c.* at leaſt that *ſame day* on which they are to be read before Morning or Evening Prayers, that they may be ſure to have *timely* notice of it, ſaith our * Author; which they are to publiſh without delay, unleſs they are willing to undergo the Fate of the Miller's Man, who was hang'd for his Maſter: for if they neglect ſo to do, they are to be puniſht by Suſpenſion from their Office. For unleſs at his own peril, the Pariſh Miniſter muſt no more examine the equity and juſtice of the Sentence, than a *Hang-man* dares, but muſt do his Office, though to the beſt liver in his Pariſh, be the Cauſe what it will, how unjuſt ſoever the Sentence is, or how illegally ſoever obtain'd. He muſt give fire when the word of Command is given; though he, good man! know nothing of the matter, yet denounce the Excommunication he muſt, and give the reſt of the People warning, that they avoid the company of ſuch a one; juſt as the two nimble Iron Sparks on the outſide of St. *Dunſtan*'s Church, when moved by the Wires within, briskly turn about, and give a *Thump* on the Bell, that all may know what quarter of the hour it is.

* *H. Conſet.* Practice of Eccl. Courts, p. 38.

2. But to proceed from Perſons to things. This we ſuppoſe no ſober man will deny, that Excommunication being a puniſhment of an immediate Divine Original, men ſhould have a Divine Warrant in what caſes to inflict it. And being ſo ſevere a Puniſhment, no leſs than cutting off from the Body of Chriſt, and ſhutting out of the Kingdom of Heaven, as well as the Society of Chriſtians on Earth, it ſhould not be inflicted but for thoſe black Crimes, and deadly Sins, and thoſe obſtinately perſiſted in too, for which the Holy Jeſus hath declared, that men do deſerve that amputation and excluſion from Heaven, that ſo what is bound here below, may be bound above. And this being the Church's expulſive faculty for the caſting out of noxious Humors, her weapon for the cutting off *rotten* and *ſcandalous* Members, ſhould be uſed to that end only, as we find in the *New Teſtament*, and many Centuries after it

was, in the caſe of Hereſy or deteſtable Enormities, accompanied with Contumacy. Now ſuch Sinners ſwarm among us; we have ſuch crowds of Adulterers, Drunkards, Swearers, Blaſphemers, *&c.* that ſome of the Sons of our Church ſay, by way of excuſe for the neglect of Diſcipline, it would not be prudent, or ſafe, to attack them. How few of theſe do our *Eccleſiaſtical Courts* take notice of? In *David*'s time the *Sparrows* were allowed a place near God's Altar; in our days whole herds of *Swine* have the ſame privilege, and no one will, or dare to drive them out. But if a man trip in a *Ceremony*, if an honeſt, but ſimple Diſſenter, will not come to the Sacrament, becauſe though weakly, yet it may be conſcienciouſly, he ſcruples Kneeling, or will not trhough obſtinacy pray the Parſon his Dues, or if the Governors of the State have a Political Deſign to carry on, out comes the ſacred two-edged Sword immediately, and they are cut off by dozens. We might refer the Reader to Dr. *Pinfold* as to this Point, who a very few years ago ſweetly feather'd his Neſt by this means, as thoſe barbarous Wretches in ſome places that live by the Sea-ſide, rejoice at the ſight of a Storm, and enrich themſelves with the Wrecks of thoſe that are unfortunately caſt away. We our ſelves have known a Miniſter of our Church ſuſpended for not burying a Corpſe in his Surplice, when the Surrogate bid him do it at the Grave: and a well-meaning, but ſtubborn Fanatick, ſent to the Devil as an *Eaſter Offering*, becauſe he would not give his Parſon one of two pence half-penny, and the obſtinate fool lay by it on a *Capias* in the Jayl for ſeveral years.

But it were well, if the Eccleſiaſtical Courts did let fly only on theſe Occaſions. For the neglect of a Religious Ceremony, may by ſome be called a mortal Sin, and not paying the Miniſters dues, is a *Fundamental* Point, and a piece of Sacrilege.

But the Matter doth not ſtop here. The Spiritual Courts have got to themſelves the Cognizance of a multitude of Temporal Cauſes, *viz.* all Teſtamentary Matters, Matrimonial Cauſes, (and theſe are numerous, for the *Subject* is *Fruitful*) Jactitation of Matrimony, Divorces, Baſtardy, *&c.* Defamations, Violence to a Clergy-man, Rights of Patronage, Double *Querele*s, Wages for a Curate or Clerk, Intereſt and Title to a Benefice, Maintenance in it, ſuch as Tithes of all kinds, Oblations, Obventions, Penſions, Mortuaries, Church-yard, *&c.* The Dues of a Pariſhioner to the Church, as to Reparations, Seats, Bells, buying of Books, Utenſils, or other Ornaments.

See *Coſins* Apology, p. 18, 19.

Not building a Church enjoined by a Testator, not keeping a Church in a comely sort; or when a Church-Warden refuses to yield an Account of the Church-Stock, violating a Sequestration for Tithes not paid, hindering to gather or carry Tithes, Money promised for redeeming corporal Penance, and detained; Fighting or Brawling in a Church-yard, (I suppose, least the Dead should be disturbed, and hindered of their rest). And then all Duties arising at first, on the Exercise of *Voluntary* Jurisdiction, and yet by denial made *Litigious*; such be *real Compositions* sought by some Party to be Disannulled, Procurations, Pensions, Synodals, Pentecostals, Indempnities, Fees for Probates, *&c.* Or (which they to be sure will not forget, and therefore neither will we) *Fees* growing due, only upon Exercise of *Litigious* Jurisdiction, and these either due to the *Judg* himself, as Fees of Citation, Fees of Sentences, *&c.* or due to other Attendants in the Court, as Fees of Advocates, Proctors, Registers, Apparitors, *&c.* Lord! what a blessed Regiment of Causes is here, like that of the *Black-guard*, for Spiritual Courts! Well, but tho most of these one would think were Civil Causes, and fit therefore for Civil Courts; yet let them come before the Spiritual Ones, if they please, as long as a *Lay-man* is the Judg of them. All that we stand on, is this, they Summon People to Answer in all these Cases, and make Decrees; and if any one do not Appear, or do not Obey their Decrees, or not Answer their Interrogatories, they are judged *Contumacious to the Church*, and then there's *Death in the Pot*, and they have no other way to Punish, but by Excommunication. So that an honest Man is frequently Smitten with the Churches Thunder, for matters of meer civil Right, or trivial Occasions, or it may be through the Tricks and Quirks of inferior Officers, or sometimes through the Ignorance of a blundering Surrogate, for the sake of a little Money. Let us hear my Lord *Bacon*'s Opinion of this Matter. *Excommunication is the greatest Judgment on Earth*, &c. *and therefore, for this to be used Irreverently, and to be made an ordinary Process to Lacquey up and down for Fees, how can it be without Derogation from Gods Honour, and making the Power of the Keys contemptible? I know very well the defence thereof, which hath no great force, That it issues forth not for the thing it self, but the Contumacy.—But the Contumacy must be such as the Party, as far as the Eye and Wisdom of the Church can discern, standeth in state of Reprobation and Damnation, as one that for that time seemeth given over to final Impenitence.*

Considerat. for the better Establish. of the Ch. of *Engl.*

To this I think we may add their device of excommunicating *whole Communities* of Men, as a Dean and Chapter, or a Master Fellows and Scholars of a Colledg, the Mayor and Aldermen of a Town, *&c.* Hereby they have in some measure that Emperor's Wish, that the People had but one Neck, that he might chop it off at one blow. By this *Interdict* are prohibited all Divine Offices, as Divine Service, Christian Burial, Administration of Sacraments, *&c.* in such a Place or to such a People; and if it be against a *People*, it follows them wheresoever they go; if against a *Place* only, then the People of that Place may go to Divine Offices elsewhere. Only the Pope's Canon-Law adds, That some who are in a special manner priviledged by the Roman Church, when a whole Country is interdicted, may celebrate Divine Offices with a low Voice, but then the Doors must be shut, the Bells must not be rung, and all the excommunicated and interdicted Persons must be excluded.

Chamberlain's *Present State of* England, *part* 2. *p.* 39.

Decret. Greg. l. 5. Tit. 40. de Verb. signif. c. 17.

By this Contrivance whole Communities of Men may be broken off from the Body of Christ, as whole Countries have been, and some say *Britain* in particular, from the Continent by the Fury and Violence of the Ocean. But it will be hard to reconcile this to the common notion of Excommunication, that 'tis *a precursory and preludsory Judgment of Christ in the End of the World*; when we have been so often told from the Pulpit and Press, that then Societies shall not be punish'd *as Societies*, but every Man shall personally answer for himself.

Lord Bacon *consid.* p. 21.

3. We pass on to the manner of proceeding in Excommunications, which we shall find exactly suitable to the *Causes* for which they are inflicted, and the Tools that manage this Weapon. For here's no pains taken with Men to bring them to Repentance by Scripture and Reason, convincing them of the heinous nature of their Offences, and beseeching of them in the Bowels of Christ. Only a bare pronouncing the words, *I admonish you*, three times in a breath; like the Jews whipping St. *Paul* with a triple Cord, and giving three Lashes in one. We had thought this had been a meer Corruption in the Officers; but we find one of their own Tribe tell us for Law, That a *Man may be admonish'd, a first, a second and a third time, all at one and the same moment.* Things are managed at these Spiritual Tribunals, just as they are at Civil ones; If you will not buckle, there's no other means used to induce you to it, but the Charges of the Court, the Trouble of dancing Attendance on it; and by and by out comes the *two-handled*

H. Consot. *Practice of Ecclesiastical Courts*, p. 383, 4.

Rod and Blood-Pail to fright the ſtubborn Children into Obedience.

And theſe Fees of the Court ſometimes are very terrible things, and touch a Man to the quick. As the Reckoning is enflamed by a roguiſh Vintner, when his Gueſts are ſo with liberal drinking, by ſcoring up two Bottles for one at the Bar; ſo they know how to take the advantage of the Ignorance of thoſe they have got into their Clutches, and top upon them double the Rates of what is by Law allowed. I find one of themſelves confeſſing this in ſundry Inſtances in the Courts of the Arch-Biſhop of *York*, as to *Teſtamentary* Matters, and acknowledging the ſame in general as to other Fees, for Copies of Acts, Depoſitions of Witneſſes, Fees to Apparitors, *&c.* Take one Inſtance: 'To a Judg for an Ad-'miniſtration, where the Eſtate is above 40 *l.* 7. *s.* 6 *d.* which ad-'vance from 2 *s.* & 6 *d.* (for that was the old Price according to the Table allowed of in 13 *Eliz.*) 'was, as I have heard, ſaith he, 'in compaſſion to one of the Commiſſioners of the late Arch-Bi-'ſhop's, his neceſſitous Condition, agreed by all the Proctors, and 'other Officers to be impoſed on the Country. Whether this Commiſſary be dead or no I know not, but till the Year 1685. this way of *raiſing Mony on the Country, without Act of Parliament*, did continue in this, and in many other Inſtances there enumerated by him, and I ſuppoſe doth ſo ſtill: By the ſame reaſon that the French King impoſes Taxes on his Slaves, becauſe he had Authority given him once to do it in Caſes of Neceſſity, while the Kingdom was in a Flame. And tho he had a *Law* to do ſo for the preſent, which theſe Harpies never had, yet the forementioned Author gives a ſubſtantial Reaſon for the thing that may ſupply the place of it: 'For, ſaith he, ſpeaking of the Regiſters, the Reaſon of Augmen-'tation to them, is, becauſe they pay great Fines to the Arch-Biſhops 'for their Places, (*and he that buys the Devil, muſt ſell him*) and 'do again let them for Term of Years to Deputies for great Fines, 'which Deputies have no way to raiſe their Monies but by this 'manner of advance or exaction upon the Country. Now I think the ſame Argument is altogether as ſtrong for the *Surrogate*, who is the Chancellor's Deputy; for Chancellors and Officials have learnt the Art of making their Places *Sine-Cures*, committing them to the management of thoſe Journy-men who are many times wretchedly ignorant, and ſo are often impoſed on by the inferiour Officers, by whoſe direction all Matters are diſpatched, (as the Clerk manages

H. Conſet. *Practice of Eccleſiaſtical Courts*, p. 422, 3.

Id. ibid.

ges the Juſtice) and they to be ſure will turn the Water into ſuch a Channel, that it may moſt effectually drive their own Mills.

But ſuppoſing none of theſe *Blunders* or *Knaveries* be committed, let's a little examine the *regular* and *ordinary* Proceedings. And in order thereunto, we muſt conſider there are two ſorts of Cauſes, *Plenary*, *i. e.* ſuch as require a ſolemn Order and Method; and *Summary*, where that being waved, a Proceeding by a ſhorter Cut will ſerve the turn. Now what Cauſes in particular fall under each of theſe Heads, is kept very *dubious* for a very *profitable* Reaſon, *viz.* this, Tho the Cauſe be *ſummary*, yet you may proceed *plenarily*, and 'tis the more valid, and the Officers of the Court can the better lick their Fingers. But if the Cauſe ſhould be judg'd to be a *plenary* one, and you ſhould proceed *ſummarily*, then all the Proceedings are immediately null, you loſe your Charges, and the Proctor gets; and the Pidgeon-Houſe of Cards being pulled down, the Child muſt begin all again. Conſer. p. 22, 3.

Now in *plenary* Cauſes out goes a *Citation* either general or ſpecial, obtained by the Plaintiff, his Sollicitor or Proctor, drawn by the Proctor, Sollicitor or Apparitor, in writing, and ſealed by the Judg. Then the Mandatory, or the Plaintiff, certifies the manner in which the Defendant was cited, that ſo the Plaintiff's Proctor may draw an Authentical Certificate thereupon, to which an Authentick Seal is put, at the ſpecial inſtigation and requeſt of the Mandatory.

Then you muſt have a Proctor, either *general* or *ſpecial*, to manage the Cauſe. For no Citation, tho executed, can be brought into Court but by him; he muſt be conſtituted by a *Proxy*, *i. e.* by a Power or Mandate given to the Proctor by his Client to appear and tranſact for him, or before a *Notary publick* with Witneſſes, and this authentically ſealed too: And the Election of your Proctor muſt be inſerted in the Acts of the Court; if he die after the *Suit is conteſted*, the Mandate is abſolutely revoked. Then ſuppoſing they have not got you on the hip for ſome Error as yet, however there be abundance of Blots yet to be hit. Many Exceptions may be brought in, *peremptory ones*, either *ſimply ſuch*, or *defenſive*; or *dilatory* ones, and theſe are twofold, *Dilatoria Solutionis*, where perhaps the Party alledges the paiment or ſatisfaction of what is ſued for; and *Declinatoria Judicii*, for declining the Cauſe, either by excepting againſt the Judg by *Refuſation*, *Provocation*, *&c.* or by reaſon of the Plaintiff, or the Arbitrators, or Proctor, Advocate, Libel, Witneſſes, Interrogatories, Publick Inſtruments, Poſitions,

Sentence, &c. Beſides theſe, there are two Squadrons more of Exceptions, *Mediæ*, or mixt Ones; and *Anomalæ*, or irregular Ones; each of which have their proper Seaſons of being urged. And theſe muſt be drawn in writing, and ſome Body muſt pay for all this. For 'tis Mony makes theſe Beaſts to go, without which they will not ſtir a ſoot.

What we have hitherto ſpoken of, is common to all Cauſes, whether *Plenary* or *Summary*. What we ſhall further add (and there is much behind) agrees in its whole Latitude to the former ſort of them. Suppoſe then that hitherto we be clear of all Rocks; then comes the Libel, but it muſt be ſubſcribed by an Advocate, and poſſibly you may wait a little for it, till next Court-day. This being at laſt given into Court, it often happens that it muſt be amended or alter'd, in many Caſes too tedious to reckon up. And you can't have any thing done to an old pair of Clothes, but you ſhall find an *Item* for it in a Taylor's Bill. Then follows the *conteſting* the Suit. By this time the Defendant is called upon to put in his Anſwer; and unleſs he confeſs the Fact, either in part, or in the whole, as 'tis laid, and ſo caſts himſelf on the Mercy of the Court, which is conteſting Suit *Affirmatively*, he muſt proteſt by his Proctor againſt the generality, ineptitude, obſcurity, or undue ſpecification of the Libel, and that the things contained in it are not true, and therefore what is contained in it ought not to be granted: And this is conteſting *Negatively*.

Then the Plaintiff alledges, that his Libel is in Articles, and he deſires the Judg may repeat it in full Force of the Poſitions and Articles, which accordingly is done, and the Libel admitted with a *Salvo Jure Impertinentium & non admittendorum*, &c. On this the Plaintiff deſires an Anſwer to the Poſitions of this Libel; whereupon the Defendants Proctor replies, He don't believe the Poſitions to be true. Then the Plaintiff, by his Advocate, deſires the Defendant may be decreed to be cited to anſwer Perſonally to the Poſitions of the Libel, before the Judg, or ſome Commiſſioners. The Defendant's Proctor diſſents from this, and requeſts a Term to be aſſign'd to prove the Libel. And here both ſides may ſquabble and brawl about it, but it muſt be by their *Seconds* (the Officers I mean) in Mood and Figure, about the time, that 'tis too ſhort, or too long; and either of them for that reaſon may appeal.

The Suit being conteſted, from Words the Proctors fall to Oaths,

 and

and either Side may lend his client a *Swear*; the one, that he believes the Contents of the Libel are faithfully propounded; the other, that he will give a faithful Anſwer. Then the two *Principals* muſt take the Oaths of *Calumny*, the *general* one, and this is taken but once, and that either here, or in any part of the Proceedings; and the *particular* one, called the Oath of *Malice*, to this purpoſe, that both of them believe their Cauſe to be good, that they will manage it honeſtly, and not protract the Suit, and give no Bribes, only the *Fees* are excepted to ſuch Perſons to whom the Laws and Canons do allow them. After this, their Proctors help them to keep theſe Oaths by ſtaving off the Buſineſs, upon impertinent Quirks, for ſix Court-days, nay ſometimes for two or three Terms; ſo that, ſaith our Author, Men complain exceedingly of theſe Abuſes, that they *never knew any End of their Buſineſs after it comes into theſe Courts.* *Conſit.* p. 52.

Well, the Citation, though long firſt, at laſt is gotten out for the Defendant to appear and anſwer the Libel before the Judg, or the Commiſſioners; which Commiſſion muſt be certified into Court that it hath been executed, and is ſometimes paid for jointly, ſometimes by one of the Parties only. The Defendant then puts in his Anſwer, which is either Categorical, Hypothetical, Modal, affirming or denying, finitely or infinitely; True, neceſſarily or contingently; Falſe, or in equipollent Terms. Then the Defendant appearing Perſonally, is ſworn to make a faithful Anſwer to the Poſitions of the Libel, only his Proctor proteſts he don't intend to anſwer to any Criminal or Captious Poſition; or if he do, it ſhall be accounted Null. The next Court-day he is ordered to appear to be examin'd. But it may be he hath anſwered too little, and then he is ſummon'd again to anſwer more fully; it may be too much, and then his Proctor may ſubduct and revoke it.

When this is ſettled, If the Witneſſes won't come voluntarily on an offer of bearing their Charges, then come *Letters Compulſory* for them to appear before the Judg, or Commiſſioners; and a Commiſſion is then granted to hear their Depoſitions within the *Term Probatory*. Theſe Letters are returned into the Court, and it may be the Witneſſes can't be found, none of them, or but ſome of them do appear, and the Abſenters are to be excommunicated; and this is often contriv'd on purpoſe, that hereby the *Term Probatory* may be prorogued, and ſo the Suit may be protracted, and the Charges encreaſed.

The

The Witneſſes at laſt being got all together before the Judg, they are ſworn; Then the Proctor proteſts againſt them, and any thing they ſhall ſay againſt the intention of his Client, and deſires a Day to be aſſigned for propounding *Interrogatories*, which are to be given in by him into the Hands of the Regiſter, or Examiner. Then the Witneſſes are privately examined, their Depoſitions put into writing by the Regiſter, and ſigned by the Witneſſes, and after repeated before the Judg, who examins them, Whether on their Oath it be all right and true? and whether they would have any thing altered? But their Poſitions are taken in *Latine*, becauſe we ſuppoſe that's a Language that is like the *Univerſal Character*, which all, even the Country Jobbers themſelves do underſtand.

Now after this it may be, the Proctor on one ſide objects, that the Witneſſes han't anſwered to ſome Interrogatories which they ought to do, or not fully, but he on t'other ſide gives him the *Lie*, and ſo a Day is appointed for the Judg to enquire into this.

It may be the Witneſſes are to be produced, not before the *Judg*, but the Commiſſioners; and then there's more ado in that Caſe than in this, which, to avoid tedioufneſs, we omit.

For the ſame Reaſon we ſhall (though we are yet come hardly half way) proceed no further, nor ſpeak particularly to the publiſhing the Depoſitions of the Witneſſes, producing more Witneſſes, Exceptions which are numerous, and Replications which are as many, and anſwer the other, juſt as one Tally doth another; nor of Duplications and Triplications, and Quadruplications. For by all theſe ways is the Cauſe bang'd about between the Parties, and beaten to and fro like a Shittle-cock between two Battledores. Nor of *dead Proofs*, which are Inſtruments, either Publick or Private, and both of them of many ſorts. Nor of the *Aſſignation of the Term* to hear Sentence, nor of the *Suppletory* Oath, given ſometimes to one ſide, ſometimes to t'other, to ſupply and piece out the defect of Proof.

Beſides and after all this, there's another long pair of Stairs, and 'tis the Third in order, that would break a Man's wind to get up, and that is, the *giving of Sentence*. And then when you think the matter is iſſued and ended, all is undone again by an *Appeal*, which if we ſhould fully ſpeak of, there are ſo many deep ſteps that we ſhould be utterly tired, as to be ſure the Plaintiffs

 and

and Defendants have been long ere this, by being carried up, and led down ſo many dark and winding Stairs in theſe enchanted Caſtles.

From what hath been offer'd, we plainly ſee, there's no difficulty in believing that to be a very great Truth that Dr. *Burnet* tells us, of Bp *Bedel*'s obſervation, That the Officers of his Spiritual Court drew People into trouble by *vexatious Suits, and held them ſo long in it, that for three penny-worth of the Tithe of Turf, they would be put to five pounds Charges.* *Bp Bedel's Life, pag. 89.*

We have only one thing to add on this Head, and we leave it, That one half of the manner of their Proceedings hath not been told in *Plenary* Cauſes; and though many cramp Words have been uſed by us in what we have written, they are the proper Terms of Art; and there's a very large Vocabulary of them, neceſſary to be mention'd by us, if we ſhould tell out the remainder of this Tale; which we forbear, leſt Men ſhould think we have a Deſign upon them to ſend them to him whom the Officers of this Court deal ſo much with, and to whom *Hermolaus Barbarus* was fain to reſort to underſtand the meaning of Ἐπτέλεχεια.

4. We ſhould proceed to the Things that enſue upon Excommunication. And here it were eaſy to be very large in diſcourſing on the *Significavit* into the Court of *Chancery* in the Biſhop's name, that the Perſon hath ſtood excommunicate forty Days, for the getting a Writ, *de Excommunicato capiendo*, that he may be ſent to Priſon. Of the forfeitures of ten Pounds on every *Capias*; afterwards for not yielding ones ſelf up a Priſoner on the Proclamation of the *Capias*'s. *It is a liberty peculiar to the Ch. of* England, (ſaith the learned Advocate of theſe Courts) *above all the Realms in Chriſtendom that I read of, that if a Man ſtand wilfully forty days together Excommunicate, and be accordingly certified by the Biſhop into the Chancery, that then he is to be committed to Priſon without Bail or Main-priſe*; quòd poteſtas regia Sacroſanctæ Eccleſiæ in ſuis querelis deeſſe non debet, *becauſe the Royal Power ought not to be wanting to Holy Church in her Quarrels.* Yet we muſt confeſs we don't ſee how this can be juſtified, unleſs that *Axiom* be own'd for truth, that *Dominion is founded in Grace*; and when a Man is made as a *Publican and Heathen*, he loſes all his Civil Rights. *Dr. Conſin's Apology, p. 8, 9, 10.*

We might further ſpeak of the ſeveral ways of *Abſolution* from this Sentence, and that upon ſeveral little miſtakes in the Form of

Proceed-

Proceedings, and by Orders sent down from *Civil Courts*. For when a Man is fast *bound* one would think, there are many of these ways of *unlooſing* him; as we have seen Children, that by the dextrous pulling of the right String, have immediately whipt off the Pack-thread from another's thumbs in a most surprizing manner.

Bp. Bedel's Life, p. 89. We might further speak also of the *commuting of Penance* for Money, 'Which, as Dr. *Burnet* well saith, is the worst sort of Si-'mony, being in effect the very same abuse that gave the World 'such a Scandal, when it was so indecently practised in the Church 'of *Rome*, and open'd the way to the Reformation. For the 'selling of Indulgences is really but a commutation of Penance. Of this that good Bp *Bedel* had so many, and such notorious Instances in his Dioceſs, that he bitterly bewail'd it, and to which he was able to reply nothing but that he had read in *Mantuan* of another place in the World, (*Rome* he means) *where Heaven and God himself were set to sale.*

Id. p. 90.

Id. p. 93. Now from that little that hath been said, we may see how truly he spoke, when he said that *a plain and simple thing* is by these Men *made very intricate*. And that *amongſt all the Impediments to*

Id. p. 103. *the Work of God among us, there is not any one greater than the Abuse of Eccleſiaſtical Juriſdiction. This is not only the Opinion of the most Godly, Judicious, Learned Men, that I have known, but the cauſe of it is plain.*

Bleſſed Jeſu! who alone works great Marvels, ſend down thy Spirit on our Biſhops, that they may boldly whip theſe Buyers and Sellers out of thy Temple, that ſit there only to diſhonour thy Name, and ſpunge on thy People, and turn thy Houſe of Diſcipline into a Den of Thieves. Amen.

And we beſeech God to encline their Hearts, and those of our Governours to do it, and not to ſuffer these Lay-Chancellors to meddle but in *Civil* Cauſes only, and there to endeavour to regulate their enormous Abuſes; and in the Lord *Bacon*'s Words,

Conſid. p. 21, 22. 'That in lieu of Excommunication, there be given to them some 'ordinary Proceſs with ſuch Force and Coercion as appertaineth, 'and that this Cenſure be reſtored to the true Dignity and Uſe 'thereof, which is, that it proceed not but in caſes of great Weight, 'and that it be decreed not by any Deputy or Subſtitute, but by the

'the Biſhop in Perſon, and not by him alone, but aſſiſted by ſome 'others of his grave Clergy, according to the excellent Model of that incomparably learned and pious A B. *Uſher.*

Then will Diſcipline recover its ancient Vigour and Splendor; then will Sinners no longer ſlight this Spiritual Sword in the Church, as Atheiſts do God's fiery flaming one that ſometimes appears in the Heavens, as if it were a meer *Meteor* hanging in the Air, and made of fiery *Vapors* only; but will find 'tis a ſolid ſubſtantial thing, hath a real Point and a ſharp Edg piercing into the very Depths of the Soul, and that it needs not corporal Penalties to ſet one upon it to that end.

Of removing ſcandalous Miniſters.

AND ſure none that regard the Glory of Almighty God, or the Honour of our Church, or the Reputation of our Clergy themſelves, can ever oppoſe ſo reaſonable a Motion as this; for nothing has more expoſed our Holy Religion to Contempt, or encouraged the Laity in their Vices, or ſunk the Credit of our Clergy (not to ſay, of our Church it ſelf) than the ſcandalous Lives of ſome of that Function; and ſince Examples have a more powerful Influence on the People than meer Precepts; 'tis no Wonder that the Lives of flagitious Clergy-men bring in more Proſelytes to Wickedneſs and Vice, than ever their preaching will make Votaries to Religion and Vertue; for how ſhould the beſt Advices and Counſel they can deliver from the Pulpit, make any great Impreſſion on their Hearers, which they never follow themſelves when out of it? They may long enough commend Vertue, and declaim againſt Vice, and urge what they ſay with Arguments drawn from the Rewards and Puniſhments of another World; but how ſhould the People believe them, when they do not live as if they believed themſelves? And while ſo many of our Clergy make no great Scruple of Conſcience to drink and whore, and ſwear and game, and droll on the Bible, and profane the Sunday, and neglect the moſt important Duties of their Paſtoral Charge; 'tis no Wonder if the Laity think themſelves authorized to take the ſame Liberty which they ſee uſed by thoſe whom they look on not only as their Inſtructors, but their Patterns too. It was a juſt Obſervation of the late E. of *Rocheſter*, that that one particular Vice, *viz.* the baſe Arts of ſome Clergy-men

gy-men in aſpiring to the high Preferments of the Church, had poſſeſs'd many of the beſt Quality in the Nation with that wretched Idea of Religion that greatly diſpoſed them to Atheiſm: For they look'd on that ſacred Profeſſion, as a Holy Cheat, a Trade of talking well, and living ill. 'Tis high time then to redreſs this Corruption, to rid our Pulpits and our Altars of ſuch as ſtain them
1 *Sam.* 2. 17. with their prophane Breath and unhallowed Hands, and like the wicked Sons of *Eli*, make the very Offerings of the Lord to be abhorr'd. And we are ſure our Church may as well ſpare them as a beautiful Face may thoſe Blotches and Scabs that ſerve only to diſfigure it. And yet in all the Book of Canons, we find not one that expreſly orders the depoſing a ſcandalous Clergy-man. There
Can. 38. is indeed a Canon againſt ſuch Miniſters as omit the uſe of any Form of Prayer, or any Rite or Ceremony whatever preſcrib'd in the Service-Book, to ſuſpend them for the firſt Fault; if they perſiſt a Month in it, to excommunicate them; if another to de-
Can. 54. poſe them; and another, to make void the Licenſes of all ſuch Miniſters as refuſe to conform to the Laws, Inſtitutes, and Rites of our Church. So that we cannot blame her for not taking ſufficient Care to purge out of all her Sons, that ſcandalous Sin of
Can. 68. Non-Conformity. For there's another Canon to ſeclude from the Miniſtry for three Months, every Miniſter that ſhall refuſe to baptize any Child that's brought to him (be the Parents Chriſtian, Mahometan, or Pagan) or bury any (except the Excommunicate, *&c.*) according to the form preſcribed in the Liturgy. A-
Can. 72. nother Canon forbids Miniſters either to appoint or keep Faſts either in publick or Private Houſes, without the Leave of the Biſhop, threatning them with Suſpenſion for the firſt time, Excommunication for the ſecond, and Depoſition for the third. A Canon which we think might very well be ſpared: For People need very little to be diſſwaded from that ſort of Mortification; and the Miniſters will be very loth to attempt it, when they are obliged to *double Pennance*, to go on Pilgrimage to the Biſhop one Day, and
Can. 73. faſt the next. Another Canon there is againſt all Meetings or Clubs of the Clergy to plot any thing againſt the Doctrine of the Church, or to the Prejudice of the Common-Prayer-Book, threatning them with Excommunication. A very provident Canon indeed, that ſeems to have been made by a Spirit of Prophecy againſt *Smectymnuus* and the Latitudinarians: And 'tis very probable thoſe of our Clergy who were ſo full of Indignation againſt the late

late Commiſſioners, miſtook them for ſuch a plotting Conventicle. We need not inſiſt on the 74*th* Canon which preſcribes the Clergy their ſeveral Habits, and very prudently cautions them againſt wearing *light-coloured* Stockings, and charitably allows *ſhort Gowns* to the poor Curates that have not Mony to buy long ones. But ſetting aſide theſe hainous Crimes; we find only this one Canon againſt other Immoralities. *viz.* 75. *No Eccleſiaſtical Perſons ſhall at any time other than for their honeſt Neceſſities reſort to any Taverns or Ale-houſes, neither ſhall they board or lodg in any ſuch Places: Furthermore they ſhall not give themſelves to any baſe or ſervile Labour, or to drinking or Riot, ſpending their time idly by Day or by Night, playing at Dice, Cards, or Tables, or any other unlawful Game. But at all times convenient they ſhall hear or read ſomewhat of the Holy Scriptures, or ſhall occupy themſelves with ſome other honeſt Study or Exerciſe, always doing the things that ſhall appertain to Honeſty, and endeavouring to profit the Church of God, having always in Mind that they ought to excel all others in Purity of Life, and ſhould be Examples to the People to live well and Chriſtianly, under Pain of Eccleſiaſtical Cenſures to be inflicted with Severity according to the Qualities of their Offences.*

This Canon indeed ſpeaks ſomething to the Purpoſe, and yet we would beg leave to ſuggeſt two things relating to it.

1. We ſuppoſe this Canon only threatens the ſcandalous Clergy with Excommunication; for it does not as the 38, 72, &c. threaten them with *Depoſition* on their perſiſting incorrigible. Whereas that too is highly neceſſary, there being all the Reaſon in the World that obſtinate Non-Conformity to the *Laws of God*, ſhould at leaſt be equally puniſh'd with ſtubborn Nonconformity to the *Laws of the Church*; for it would look but very odd to treat a Miniſter more ſeverely for omitting a Collect in the Service-Book, or keeping a private Faſt, than for being drunk, or lying with his Neighbour's Wife.

2. We wiſh that this good Canon it ſelf, may not ſtand for a Cypher for want of Execution. And yet hitherto all the good Effects that might have been expected from it to free our Churches from ſuch leprous and unclean Prieſts, have been in a great Meaſure fruſtrated. For we do not ſee that one in twenty, of ſuch whoſe notorious Vices make too publick a noiſe to be unobſerved, was ever excommunicated, much leſs depoſed for them. We ſpeak within Compaſs, and heartily lament the intolerable Miſchiefs that from this fatal Source overflow our Church. And therefore we would

humbly recommend it to the Wisdom of the Convocation, to take the most effectual Methods for the obviating of them, and (if it might be no Offence) would take the Liberty to suggest that if the Rural Deaneries in Arch-bishop *Usher*'s Model were restored, they might first receive Complaints against such, and suspend them till the Matter come before the Diocesan Synod. Were this done, and were all our Clergy such excellent Ornaments of their Profession, as (God be thanked) a great many of them are, the Dissenters would not so easily gain ground upon us, as they have hitherto done by the pretended Strictness of Life in their Ministers, and their great Laboriousness in the Duties of their Function.

Of the Reformation of Manners both in Ministers and People.

IN *the Ministers.*] What relates to such as are chargeable with scandalous Immoralities was considered under the former Head; but under this Head, we would humbly recommend to the present Convocation, the reforming two very gross Corruptions retained in our Church, notwithstanding all the loud Complaints that have been made against them, *Pluralities* and *Non-Residence*, two Diseases that have hitherto defied all Remedies, and have been rather cherish'd by our spiritual Physicians, than any thing effectual attempted towards the Cure of them; and no wonder when many of the same Men were the Patients that should have been the Physicians; so hard it is to redress these grand Evils in a Synod where the greatest Pluralists and Non-Residents do commonly make up the major Vote; and yet these are so notorious Blemishes in a Church, that even the Council of *Trent* could not for very Shame but take notice of them. And the Truth is, though they have in their best Decrees of Reformation left a Hole to creep out by Virtue of Dispensations, yet their Canons are far more strict than ours: for in their Decree of Reformation, *Sess.* the 7*th*. *cap.* 2*d*. they forbid any Prelate, having more Metropolitan or Cathedral Churches than one in *Commendam*, accounting him happy that can govern *one* well. And *cap.* 3*d*. They enjoyn the Collation of inferiour Ecclesiastical Benefices that have Cure of Souls, on worthy and able Persons who may reside on the Place, and take care of the Flock themselves; and by the 3. deprive that Clergy-man of all his Benefices that retains more than one, whether by way of Union for Life, or perpetual *Commendam*, or any other Title, *&c.* only all these good Canons are spoiled, and by the wretched Art of Dispensations made only a more subtle Trick of drawing Money into the Pockets of those that grant them. And *Sess.* 23*d*. *cap.* 1. Their Decree of Reformation against *Non-Residents* begins thus: *Since all to whom the care of Souls is committed, are enjoyned by Divine Precept to know their Sheep, to offer Sacrifice for them, and to feed them with the Preaching of the Word of God, the Administration of Sacraments, and the Example of their good Works, to take a Fatherly Care of the Poor and all other miserable People, and discharge other pastoral Duties, all which can never be performed by those that do not watch over and assist their Flock, but like Hirelings forsake them*, &c. See also *Sess.* 6. *Cap.* 1*st*, and 2*d*. and what they say is far more applicable to Parish-Churches than to Metropolitan or Cathedral.

But to return to our own Church: For *Pluralities* I find only this one Canon bout them, *viz.* 41.

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No Licenſe or Diſpenſation for the keeping of more Benefices with Cure than one, ſhall be granted to any, but ſuch only as ſhall be thought very well worthy for his Learning, and very well able and ſufficient to diſcharge his Duty, i. e. *Who ſhall have taken his Degree of a Maſter of Arts at leaſt, in one of the Univerſities of this Realm, and be a publick and ſufficient Preacher licenſe'd*; Provided always *that he be, by a good and ſufficient Caution, bound to make his perſonal Reſidence in each of his ſaid Benefices, for ſome reaſonable time in every Year*; *and that the ſaid Benefices be not more than* 30 *Miles diſtant a ſunder. And laſtly, That he have under him, in the Benefice where he does not reſide, a Preacher lawfully allow'd, that's able ſufficiently to teach and inſtruct the People.*

A Canon that rather approves and ſtrengthens, than corrects ſo ſhameful an Abuſe. For what reſtraint can it be imagin'd to lay upon it? A Man needs no higher Qualifications to capacitate him for being a Pluraliſt, than that he be a Maſter of Arts, and a lawfully approved Preacher. Here are no Bounds ſet to the Number of the Benefices he may enjoy, but that they ſhould not ſtand above 30 Miles from one another; ſo that a Man may enjoy the ſame Number of Benefices, provided he can bring them within that compaſs of Miles. And I wiſh that the Avarice of ſome could be held within thoſe wide Bounds too.

Nor is the *reaſonable Time* in which he muſt reſide yearly in every one of them determin'd, but left to his own diſcretion.

And now what Apology can be made for ſo unreaſonable a practice? Let us ſuppoſe a Pluraliſt to engroſs four or five good Livings to his own Share. The beſt Reſtriction laid on him by this Canon is, That he keep in every Living, where he reſides not, an approved Preacher that may profitably teach and inſtruct the People. But if theſe four Preachers that ſupply his place in four of the Pariſhes, be Men of thoſe Abilities that fit them for diſcharging all the Duties of their Function to the People, what tolerable reaſon can be given why they ſhould not enjoy all the encouragement to their Labour which the Pariſh-Tyths were deſign'd to give them? Why ſhould the main part of the Profits of four Pariſhes be ſwept away by an idle Drone of a Pluraliſt, that *flaunters* about in his Coach, and ſwims in Luxury and Eaſe, but never took the leaſt care of them, unleſs perhaps once in a Year to give them a kind of *Viſitation-Sermon*; while the poor Miniſters that reſide among them, and beſtow all their pains and time upon them, ſcarce earn their Bread with the ſweat of their Brows, but ſtruggle under thoſe Diſcouragements of a ſtingy Allowance that ſtarve their Parts, and ſink their Spirits, and too often put them on doing thoſe things which render them mean and contemptible. For by that time a poor Curate has provided Bread for his Family, and perhaps a Gown and Caſſock for himſelf, out of his 20 or 30 *l. per. Annum*, he'l find very little left for the encreaſe of his ſlender Library, and much leſs for thoſe Works of Charity, whereby he ſhould keep up that Eſteem and Intereſt in the Hearts of the People, that's ſo highly conducive to the ſucceſs of his Inſtructions upon them. So that while the Number of Pluraliſts is ſo great, and their Covetouſneſs ſo great, it cannot be expected where the *Salary* they allow is ſo *deſpicable*, that they ſhould ever provide for ſome of their Cures any better Prieſts than thoſe of *Jeroboam*, made of the meaneſt of the People; ſuch as may thank God that our Church has furniſhed them with a Liturgy, and ſome of our learned Clergy with Sermons for every Sunday of the Year. And what

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Account will ſuch *mercenary* Paſtors (as the Council of *Trent* it ſelf calls them) give to the univerſal Biſhop and Shepherd of thoſe Flocks whom they have ſtary'd to fill their own Purſes? Or whence can the greedy Humour of heaping up ſo many Steeples ſpring, but from that wretched inſatiable *Love of Mony*, which is ſo unbecoming a Clergy-man, who pretends a Concern for the Salvation of Souls, and therefore ſhould not gratify his filthy Lucre at the price of their Blood?

We are ſo far from ſpeaking this, as grudging the Clergy the juſt Encouragement of their Labours, that if a more fair and juſt diſtribution of the legal Maintenance would not ſufficiently provide for all, we ſhould think it worthy the pious Zeal of his Majeſty, and the Parliament, to find out ways of ſupplying that Defect. But in the mean time, as the Difference of the Value of Benefices will have room enough to reward the different Abilities of the Clergy, ſo we cannot but regret it, that the greateſt Load of exceſſive Preferments is uſually heapt, not on thoſe that deſerve, but on thoſe that ſeek them. The importunate Ambition of the latter putting them on thoſe baſe Methods to compaſs their Deſign, which the Probity, as well as the Modeſty, of the former debar them from.

Having ſaid ſo much about Pluralities, we ſhall be more brief on the other Head of *Non-reſidence*. We ſhall not inſiſt on the 42, 43, 44. Canons which relate to the Deans, Prebends and Canons in the ſeveral Cathedrals and Collegiate Churches, becauſe thoſe concern the Clergy more than us. Only we cannot but commend the great Care of our Church in its injunction to the Deans, who muſt providently ſee that the Petty-Canons, Vicars-choral, and other Miniſters of the Church, have a *Latin* as well as *Engliſh Teſtament*. We ſuppoſe this Caution was, leſt the lazy Fellows ſhould forget all they had learned at School; and *Greek*, it ſeems is as little expected from them as Syriack or Arabick.

The 45 enjoyns the Reſident Clergy *one* Sermon every Sunday, when they have not juſt Impediment. The 46 and 47 runs thus.

46, *Every Beneficed Man, not allow'd to be a Preacher, ſhall procure Sermons to be preach'd in his Cure once in every Month at the leaſt, by Preachers lawfully licens'd, if his Living in the Judgment of the Ordinary will be able to bear it. And upon every Sunday when there ſhall not be a Sermon preach'd in his Cure, he, or his Curate, ſhall read ſome one of the Homilies preſcrib'd, or to be preſcrib'd by Authority, to the Intents aforeſaid.*

47, *Every Benefic'd Man licens'd by the Laws of this Realm, upon urgent occaſions of other Service not to reſide upon his Benefice, ſhall cauſe his Cure to be ſupplied by a Curat, that is a ſufficient and licens'd Preacher, if the Worth of the Benefice will bear it. But whoever has two Benefices, ſhall maintain a Preacher licens'd in the Benefice where he does not reſide, except he preach himſelf at both of them uſually.*

Theſe Canons, eſpecially the former, do ſo evidently expoſe themſelves, that they ſave us the labour of any long Remarks upon them. We cannot but think it ſtrange, that a Man may be the Incumbent of a Cure, and conſequently enjoy both the Name and the Revenues of a Miniſter to that People, who is not ſo much as *licens'd to preach*; nay, is ſo meer a Lay-man, that according to *Can.* 49. he muſt not take on him *to expound, in his own Cure, or elſewhere, any Scripture or Matter of Doctrine:* and the higheſt Priviledg allow'd him is, That he ſtudy to *read plainly and aptly*, (without *glozing or adding*) the *Homilies* already ſet forth, *&c.* I perceive there may be *Ignoramus Miniſters*,

ters, as well as *Lawyers* or *Jury-men*; and if our Church do not wrong them, by the ſevere reſtraints this Canon lays on them, they are more fit to be ſent to *School* to *con* their Leſſon, than into the Pulpit to inſtruct the People. But though we cannot admire the Wiſdom of our Church in allowing ſuch Men Benefices, yet we muſt acknowledg her great Charity towards them and their Curats, in providing ſo good a help as the Book of *Homilies*, for thoſe whoſe *Eyes* are the only conſiderable Talents that God almighty has thought fit to bleſs them withal.

We ſhall add no more under this Head, but that we wiſh the *Simoniacal Oath*, were ſtrong enough to keep out all ſecret Arts of purchaſing Preferments. And we think it highly adviſeable, that according to Arch-Biſhop *Uſher's* model, *Artic.* 2*d*. in every Rural Deanery, the Miniſters of particular Pariſhes might be cenſurable for Errors, or groſs negligence in their Office, *&c.* with Liberty of Appeals to a Dioceſan Synod if need be.

But that the Clergy may not think us in theſe two Articles too ſevere on them, and partial to our ſelves, we ſhall propoſe it to the Wiſdom of this Convocation, Whether the Power of *Patrons* in preſenting to Livings, ſhould not be ſo far reſtrain'd, as not to impoſe a Miniſter on any Pariſh, without their own conſent? The very Learned Biſhop of *Salisbury*, in his *Regalia*, as well as others, hath made it undeniably evident, that this was the practice of the Univerſal Church for 600, if not 1000 Years after our Saviour's Time. And therefore tho we would have ſo much regard paid to the Charity of our Anceſtors, as not to exclude Patrons from a Privilege enjoy'd on that ſcore by ſo long Preſcription, yet we could be heartily glad that 'twere rendred conſiſtent with this Ancient Privilege of the People too, that the Primitive Practice in this Particular might be reviv'd. If indeed the Parſon alone were to be ſav'd or damn'd, not only for himſelf but his Pariſhioners too, 'twere no great matter to the People who he be; but if they muſt anſwer for their own Souls, 'tis but reaſonable they ſhonld be ſatisfied whom they truſt with the conduct of them.

And how liberally ſoever Patrons have endow'd any Churches, 'twere but a hard Bargain they make with the People, to require them, by implicit Faith, to acquieſce in whatever Miniſters they or their Heirs ſhall ever recommend to them.

Nay, ſome would not have Patrons impoſe on our Clergy, any more than on the People. There are ſeveral ſecret ways of purchaſing a Benefice, which ſome Patrons oblige the Clergy to, without making a down-right Bargain: And we would not have ſo much as the courting an *Abigal* to be the price of it.

Of Reforming Manners in the People.

LEST the Fear and Apprehenſion into which the words *Alteration* and *Review* have caſt the Author of *Vox Cleri*, ſhould be fatal to him, we ſhall now labour to recover him, by aſſuring him, that there are ſome of the old Canons we deſire may be reinforc'd, and that the Subjects to which they relate may be conſidered and examined, *viz.* Such as order the Cenſures of the Church to be inflicted upon all Perſons notoriouſly wicked, that they may be hindred from coming to the bleſſed Sacrament with ſuch Frequency, and in ſuch Numbers as they now ordinarily do; particularly *Can.* 26. which runs thus. *No Miniſter ſhall in any wiſe admit to the receiving the Holy Communion any of his*

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Cure or Flock, which be openly known to live in notorious Sin, without Repentance; nor any who have maliciously and openly contended with their Neighbours, until they shall be reconciled: Nor any Church-Warden or Side-man who having taken their Oaths to present to their Ordinary all such publick Offences as they are particularly charg'd to enquire of in their several Parishes, shall (notwithstanding their said Oaths, and that their faithful Discharge of them, is the chief means whereby publick Sins and Offences may be reform'd and punish'd) wittingly and willingly, desperately and irreligiously incur the horrible Crime of Perjury, either in neglecting or in refusing to present such of the said Enormities and publick Offences as they knew themselves to be committed in their said Parishes, or are notoriously offensive to the Congregation there: although they be urg'd by some of their Neighbours, or the Minister, or by their Ordinary himself to discharge their Consciences by presenting them, and not to incur so desperately the said horrible Sin of Perjury. We do now humbly request that according to this Canon some effectual Provision may be made to hinder all such wicked Persons from our Communion, which are a Scandal and Reproach to any Church, much more to ours. That the Matter may be seriously debated and weighed, and whether more proper Methods than those hitherto resolv'd on may not be found out and settled. For to speak on the behalf of the Laity, as the imposing such a Task on us or the Church-Wardens, is very hard and severe, so it hath been unsuccessful to the Purpose for which it was intended, and is likely always to prove so, though the Canon says that the Church-Wardens and Sidesmens faithful Discharge of their Oaths in presenting Offenders to the Ordinary, is the *chief* means whereby Publick Sins and Offences may be reform'd and punished. For it cannot be probably expected that they should discharge this Office with that Fidelity and Care which is requisite in a Business of such Importance: If we consider either the manner of their present choice, the Multiplicity of Secular Affairs in which they are unavoidably ingag'd, the Temptations to which they may be exposed either by Neighbourhood, Acquaintance, Friendship, or Dependance upon others; and not to mention the small Reverence which is paid to Oaths by the Generality of Persons in this dissolute Age, which ought to be considered; nor the Tricks of waving the taking them, which the Corruption of our Spiritual Courts hath supplied us with; it cannot be imagin'd but that while Men are called to this Office by turns, and the worst as well as the best Parishioners are chosen to it, and while Men are govern'd by their worldly Interest, either no Presentations at all should be made, or those that are should be *Omnia Bene*. Besides, should these Lay-Officers be Persons of Sobriety and Integrity, and out of Regard to their Oaths, the Peace of their own Consciences, and the good Comfort of their Christian Neighbours, make exact and just Presentations, yet according to our present Constitution they are bound to carry them into the Spiritual Courts; and what becomes of them when they are lodg'd there, all the World knows; instead of imposing suitable Penances, Money shall be extorted by a Body of Men who have already shew'd us, that they can set Indulgences to sale, and that they are willing Men should ruin their own Souls, and go very quietly to Hell provided they will pay them *toll* for their Passage. We are therefore of the opinion that the present Convocation should consider whether the Inspection into the Manners of the People should not be intrusted solely with the Ministers and Priests, and this determin'd and judg'd to be one part of the pastoral Care; whether it be not now absolutely necessary to authorize and impower all Ministers and Curates to observe the Lives of their Parishio-

ners to admoniſh them privately and publickly, to pronounce the Cenſures of the Church, either of Suſpenſion or Excommunication, according to their ſeveral Lives and Offences; they may be appointed to do all this in Subordination to the Biſhop or the Ordinary; though we think 'tis requiſite they ſhould be exempted from the Juriſdiction of the Spiritual Courts; they may be ſtill accountable to the Biſhop, and be obliged to acquaint him with the Reaſons and manner of their Proceedings, and be liable to be puniſh'd by him, if they either miſ-behave themſelves, or neglect their Duty. Let this Authority and Power be inveſted in them in ſuch a Subordination, and let it be declared and eſteem'd as an eſſential Branch of the Paſtoral Office, and in our Apprehenſions it will be a more effectual way to redreſs this Diſorder than the other. That which ſuggeſts and incourages this Propoſal is our Communion-Rubrick, which requires all Perſons that intend to communicate, to ſend in their Names to the Curate, and orders him to admoniſh thoſe that are unfit, that they ſhould not preſume to come. Now if this were duly obſerved, and the Curates likewiſe impowered to reject ſuch as ſhall, notwithſtanding their Admonition, dare to preſent themſelves, and to pronounce either a Sentence of Suſpenſion or Excommunication againſt them; we conceive that this will be a more proper and effectual Method to preſerve our Communions pure, than that other of committing it to the Church-Wardens, who are too often careleſs and unconcern'd about a matter of ſuch a Spiritual Nature, or ſuch as deſerve to fall under the Cenſures of the Church themſelves. It will be no hard Matter for the Convocation to fix and ſettle this Authority and Power, that the Curates ſhould be inveſted with its juſt Bounds and Limits; This we propoſe with all Humility to Perſons, that by their Sagacity and Wiſdom may ſoon find out better Ways than we are able to do. But that which we earneſtly and importunately requeſt is, that ſince his Majeſty hath put an Opportunity into their Hands, of reviewing the old Canons and making new, that they would reſolve upon ſome courſe for the preventing Men of the moſt profligate Lives and Principles from joyning themſelves to our Communion, and partaking of the moſt Holy Sacrament; and we hope the Author of *Vox Cleri* and others of the ſame ſtamp, will not charge us with a Deſign of pulling down the Houſe, ſince we only demand that theſe Spiders which have filled every Corner of it with their Cobwebs and Venome, may be ſwept out, and are willing that the Beſom with which it is to be done ſhould be put into the Hands of our Prieſts and Clergy. The Reaſons of our Requeſt are ſuch as theſe.

1. Becauſe according to the Doctrine of our Church theſe Perſons have no Right at all to partake of the Sacrament, and to celebrate theſe Holy Myſteries; for ſhe appoints the Curate *to advertiſe and admoniſh ſuch as theſe that in any wiſe they preſume not to come*: In her Exhortation ſhe tells us that it is to be adminiſtred only to thoſe *who are devoutly and religiouſly diſpoſed*, and that if any who do not repent of their Sins, and live in them without Amendment, do come, the Communion does *nothing elſe but increaſe their Damnation*: And we are told that Perſons that live in Variance and Contention, or in any known Sin, muſt not be admitted becauſe 'tis contrary to the Communion of the Body and Blood of Chriſt: So that theſe Men are really Intruders, and thruſt themſelves as Gueſts to our moſt Holy Tables, contrary to the expreſs Commands of the Church; and when we deſire that they may be caſt out, 'tis no way injurious or prejudicial to them, but tends to their Benefit and Advantage: 'tis as charitable and juſt, as to ſnatch a Cup of Poiſon out of the Hands of a Mad man, who is boldly going to drink it.

Rubrick Communion Exhort. bef. Comm.

Q. Elizab. Injunctions apud Sparrow, p. 74.

2. The admitting ſuch Perſons to the Sacrament is a very high Incouragement to

the Debauchery and Wickedneſs that now reigns among us: when theſe ſhall have as free an Acceſs to this Holy Table as Perſons of the higheſt Sobriety and Vertue, when they ſhall ſhelter themſelves under our very Altars, and none have any Power or Commiſſion to pluck them from thence, what can be expected but that Impiety and Profaneſs ſhould overflow us as a mighty Stream? They have already learned to ſtop the Mouths of their own Conſciences and our Mouths too, when we offer to rebuke them, by ſaying that they are good Chriſtians, and Members of the Church as well as we; they perſwade themſelves that their being of our Church here doth give them an undoubted Title to a Place among the Aſſembly of the First-born, and while they have ſuch Apprehenſions as theſe, we muſt expect they ſhould indulge themſelves in all manner of Immoralities; and now ſhall the Holy Sacrament be proſtituted to countenance and incourage ſuch fatal Preſumptions as theſe, to ſtrengthen the Hands of the Vile, and cauſe them to commit Sin with all imaginable Boldneſs and without any Remorſe? Shall we turn the Cup of the Blood of Chriſt into the Cup of Devils, as the Apoſtle expreſſes it in 1 *Cor.* 10. 21. not only by permitting thoſe who offer up themſelves as Sacrifices to the Devil to drink of it, but by making it as effectual to the promoting the Intereſt of Satan, as though he himſelf had really inſtituted it?

3. Becauſe ſuch a Practice as this tends to the increaſing the Numbers of the Diſſenting Conventicles. For though they are not without faulty Members as well as we, yet it muſt be confeſs'd that they are very careful to keep or purge out all that are openly ſcandalous in their Lives. We indeed excel them in our Epiſcopal Government, the Decency and Order of our Worſhip, in the Numbers of ſober and learned Clergy; but in this particular we are more defective than they, there is not ſo much of this unhappy Leaven among them, as there is among us; ſo that many Perſons of ſtrict Piety, who are burden'd and griev'd with this Diſorder, will be tempted to deſert us and join with them; and they being not acquainted with the Diſtinctions of learned Men, will be more eaſily led into ſuch an Error; and if a ſpeedy Reformation be not made in this Matter, we muſt expect the Numbers of thoſe who are the greateſt Ornaments of our Communion, out of a pretended Concern for their Edification, will leave us. For,

4. We muſt now ackowledg and declare that the Admiſſion of ſuch as theſe very much hinders our Edification, and makes us take *the Holy Sacrament with much leſs Joy and Comfort* than we might otherwiſe do. As we belong to a Church that not only recommends the moſt inlarged Charity, but is celebrated for it, ſo we hope we are not without ſome Meaſures of that Love to God and the Souls of Men, which ſhe requires in all her Communicants; and being influenc'd by this we cannot with unconcern'd Eyes and Hearts behold theſe Men at once profane the Name of God, and eat and drink Damnation to themſelves, *i. e.* as our Church explains it, *Diſeaſes, Death, and the Wine of God's Wrath.*

Exhort. bef. the Commun. 'Tis with a great and ſincere Sorrow that we obſerve Perſons guilty of the higheſt Impurities allowed to come to the Holy Communion, who ought to be driven from it. Our Peace and Benefit would be much greater in our Approaches to it, if we did not find there ſome who but a few Hours before were venturing their Lives in the Quarrel of a Strumpet; others who ſpent the laſt Night in Revelling and Drunkenneſs, and when they joyn themſelves to us, ſeem to take us for a Crew of merry Companions; others that juſt before the Communion were belching out Oaths and Curſes, and ſoon after the end of it will pour out whole Vollies of them again, *&c.* And if there were none allowed to kneel there, but ſuch as were ſober and vertuous, devoutly and religiouſly diſpoſed. We muſt therefore be excuſed, if after ſo

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long a ſilence we take the liberty to expreſs our Reſentments in this Matter, and to declare that we do, with a very paſſionate Grief, ſee the Holy Bread and Wine touch'd by ſuch polluted Hands, and unhallowed Mouths, eſpecially when we fear and expect, that after the taking of theſe, (according to the Threatning denounced by our Church) *The Devil ſhould enter into them as he did into* Judas, *to fill them full of all Iniquities, and bring them to deſtruction, both of Body and Soul*; And we would add, that while we have a warm and zealous regard to the Honour of God Almighty and his Sacraments, and the Good of others, we ſhall have the ſame ſenſe and apprehenſions. *Exhort. before the Communion.*

But to conclude this Subject, that our preſent Convocation may be ſtirred up to a more vigorous Zeal and Diligence in the framing new *Penitentiary* Canons, or reforming the Old, we would with all modeſty and ſubmiſſion remind our Fathers and Guides, now aſſembled, of the Promiſes they made at their ſeveral Ordinations, and of the ſolemn Charge they received from our Church; which is in theſe words; *Wherefore conſider with your ſelves the End of your Miniſtry towards the Children of God, towards the Spouſe and Body of Chriſt, and ſee that you never ceaſe your Labour, your Care and Diligence, until you have done all that lieth in you, according to your bounden Duty, to bring all ſuch as are, or ſhall be committed to your Charge, unto that agreement in Faith and Knowledg of God, and to that ripeneſs and perfectneſs of Age in Chriſt, that there be no place left among you, either of Error in Religion, or for viciouſneſs of Life.* And ſince we ſhall not entertain a ſuſpicion of their readineſs to diſcharge their Offices with the utmoſt fidelity, of their willingneſs to pay a chearful Obedience to the Commands of our common Mother, we will not queſtion their gratifying our Deſires in this Particular. *Form of ordering of Prieſts.* Sparrow. p. 125.

Of the Examination of ſuch Perſons as deſire to be admitted into Holy Orders, both as to their Learning and Manners.

'Tis the unhappy neglect of this, has not only over-ſtock'd our Church with a ſhoal of ſupernumerary Clergy, but given too many the opportunity of crouding into Holy Orders, whom their Parents only thruſt on the Service of the Church, becauſe they know not how to diſpoſe otherwiſe of them, And yet it muſt be own'd, that the Canons of our Church are not altogether chargeable with this Neglect: For the 35*th* Canon enjoins the Biſhop, before he admits any Perſon into Holy Orders, *to examine him, in the preſence of thoſe Miniſters that ſhall aſſiſt him in the Impoſition of Hands; or at leaſt take care that the foreſaid Miniſters examine him if he have any lawful Impediment.* We could heartily wiſh the Biſhop might accordingly do it more conſtantly himſelf, in the preſence of ſuch as aſſiſt at the Ordination, and not leave it ſo generally to the Arch-Deacon, or one of his Chaplains. And 'twere highly adviſeable that the particular Trials which every Candidate for Sacred Orders muſt paſs, in order to give a good Specimen of his Proficiency in Humane Learning, and eſpecially in the ſtudy of Divinity, were preſcrib'd. For it can by no means be thought a ſufficient Evidence of a Man's being qualified for that Sacred Function, that he can conſtrue a piece of the Latin Teſtament; and reſolve that grand Queſtion of *Quot ſunt Symbola?* &c. The admirable care of many Foreign Churches, particularly the Reformed Churches in *France*, about the admiſſion of their *Propoſants*, is a very commendable Pattern. And even in this Point, the *Directory* (how idle a Book ſoever it may be in other things) has the advantage of any thing preſcrib'd in this Canon, which is too lax and general. And we would further offer it to conſideration, Whether what the 34*th* Canon enjoins in the Caſe of a Biſhop's ordaining a Man that is not of his *own Diocеſs*, ſhould not hold alſo in his

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ordaining those that are? *viz.* That he ordain no Person but such as shall exhibit *Letters Testimonial of his good Life and Conversation, under the Seal of some Colledg in* Cambridg *or* Oxford, *where before he remain'd; or of three or four grave Ministers, together with the Subscription and Testimony of other credible Persons, who have known his Life and Behaviour by the space of three Years next before.*

The CONCLUSION.

HAving thus pass'd thro' the several Heads mention'd in his Majesties Commission, and with the same Design, *viz.* for the advancing the Honour and Service of Almighty God, for the Good and Quiet of the Church, and for the better government of it; we do not doubt but the Proposals we have made, if attended to by the Convocation, will have such an Issue. And we hope we shall not be censur'd for invading the Priest's Office in what we have done. A Man needs not the *indelible Character* to do the Office of a *Sexton*, sweep the Dust and Filth out of the Church, and lash *Tobit*'s Dog out of the Sanctuary; and that is what we have design'd. And if in so doing, we have chanced here and there to give some late Authors *a lick* or two, they are only such as have officiously sheltered him under their Legs. For tho we will allow him to be as good a *Moral Cur* as his late zealous Apologist can desire, and to have learned the 9th Commandment, (*for*, saith he, † *he was faithful, and loved his Master*) yet we would not have the Fanaticks think, he is a Member of our Church, or that our Congregations are so thin, even on a *Week-day*, (when, says he, he only appears there) that we should need his Company to encrease them. We have, in our own Apprehensions, consulted the Honour and Service of Almighty God, since what we desire tends to the more pure and orderly celebrating of his Worship, to the removal of those abuses which are as provoking to him, as they are displeasing to us; and may incline him who hath hitherto, by many Miracles of Mercy and Power, defended and preserv'd us, to give us yet more signal testimonies of his Favor and Bounty. And that we have aim'd at the Good and Quiet of the Church is likewise as evident; since what we propose will render her Offices less liable to the Exceptions of our Adversaries, and more profitable to us, will increase her Purity and Splendor, will add to the number of her sober and pious Members, will make her Government more conformable to the Primitive Pattern, and establish it on more lasting and solid Foundations, and free her Children from many of the pressing Grievances they groan under. And therefore we hope that so favourable an Opportunity which his Majesty presents the Convocation with, will not be neglected, a Prince, who by his great Vertues is the Glory of our Church as well as the *Head* and Defender of it, and whose excellent Wisdom and Judgment should be *alone* a sufficient Argument to weigh with us, tho there were no other, as there are many more to induce us to make our Reformation more perfect and compleat.

* *Remarks on the two Letters to the Convocation*, p. 12.

To sum up all; If his Majesties Desires, and ours, be now comply'd with, the Church of *England* may stand and flourish as the Envy and Glory of all the Reformed Churches, impregnable to the feeble Attacks of her Enemies, and be adorn'd with a very great Purity and Brightness; but if they be scorn'd and deny'd, we may justly expect to fall under an indelible Infamy and Reproach, to have our Strength and Numbers lessen'd and abated, to be crush'd by the Artifices and Designs of our strong and numerous Adversaries, and to have *our Church*, and all *the Abuses* which remain in her taken away together, by some Revolution that we looked not for.

FINIS.